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# Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad

## I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1861 (2009), by which the Council requested me to report to it every three months on the security and humanitarian situation in eastern Chad and the north-eastern Central African Republic, the implementation of relevant agreements and the status of refugees and internally displaced persons. The present report provides an update on developments related to the mandate of the United Nations Mission in the Central African Republic and Chad (MINURCAT) since my last report of 14 April 2009 (S/2009/199). It also takes stock of the force generation process and provides information on the development of a strategic workplan towards the fulfilment of the benchmarks endorsed by the Security Council in its resolution 1861 (2009).

## II. Update on recent developments

### A. Political developments in Chad

2. During the reporting period, some progress was made in the implementation of the agreement of 13 August 2007 between the Government and the political opposition. On 28 May, representatives of the Comité de suivi et d'appui (established to follow up on the implementation of the agreement) from the ruling Mouvement patriotique du salut, its allies and opposition parties reached a consensus on two draft laws on the status of the opposition and the political parties' charter. They also agreed on a decree enacting the implementation modalities of the laws on the electoral code and the Commission electorale nationale indépendante (CENI). The new legislation emerged following mediation by legal experts of the Organisation internationale de la Francophonie, after opposition parties objected to the laws on the electoral code and CENI adopted by the National Assembly in December 2008. The laws were approved by the Council of Ministers on 4 June and have been tabled for discussion during an extraordinary session of the National Assembly, which began on 25 June.

3. On 20 May, the Government launched a general population census, in accordance with the provisions of the agreement of 13 August. The census operations received support from several partners in the international community,



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including the United Nations Population Fund and MINURCAT for logistics, and the field work was completed on 30 June. The results of the census are due to be released at the end of July. The enumeration is a precondition for voter registration and constituency delimitation ahead of national elections.

4. On 5 June, President Déby carried out a minor cabinet reshuffle. The former Minister of Mines and Geology, Mr. Mahamat Ali Abdallah Nassour, left the cabinet. Dr. Moctar Moussa Mahamat, the Special Representative of the President for the European Union-led military force (EUFOR) and MINURCAT and head of the Coordination nationale d'appui à la force internationale à l'est du Tchad (CONAFIT), the government body established to act as a liaison with MINURCAT, was appointed Minister of Livestock and Animal Health. All other key cabinet members kept their existing portfolios. On 10 June, President Déby appointed General Oki Mahamat Yaya Dagache, formerly a regional representative of CONAFIT in Abéché in charge of military affairs, as the new Special Representative of the President for MINURCAT and head of CONAFIT.

5. Social tensions persisted in Chad during the reporting period, owing mainly to the difficult living conditions in major cities. In N'Djamena, cuts in electricity caused by fuel shortages severely limited power supplies, which exacerbated the situation.

## B. Security

6. During the reporting period, the security situation in eastern Chad remained tense. Crimes against humanitarian personnel and their compounds and vehicles, incidents of road banditry and attacks against civilians were reported, including 32 cases of carjacking. Three personnel of the Détachement intégré de sécurité (DIS) were killed by gunfire, two during attacks on the DIS sites in Farchana and Goz Amer on 14 April and 13 May and another during a carjacking chase at Am Nabak on 17 June.

7. Compounding an already precarious situation, Chadian armed opposition groups operating under the coalition Union des forces de la résistance (UFR) launched an attack on Chadian territory on 4 May. The stated aims of the rebels included the overthrow of the Government and the establishment of a transitional authority for a period of 18 months. Two columns, each comprising 60 to 70 vehicles, crossed the border between Chad and the Sudan between Adé and Dogdoré and headed to Goz Beida (Sila region), regrouping on 7 May in the area of Am Dam, 100 kilometres north-west of Goz Beida. A third column entered in the extreme south, through Tissi (Sila region), moving in the direction of the Salamat region along the border of the Central African Republic.

8. On 6 and 7 May, the Armée Nationale Tchadienne (ANT) conducted air strikes against the rebel columns located south of Goz Beida, in a corridor extending from Goz Beida to Koukou Angarana and Kerfi. On 7 May, heavy ground engagement took place between ANT and the rebels along the same corridor close to Am Dam. According to Government sources, 22 Government soldiers and 225 rebels were killed and more than 200 rebels captured, including Mahamat Hamouda Bechir, deputy commander of the UFR military wing. The remaining combatants were pushed back to the Sudan, while the third column, which had reached the area around Mangeigne, withdrew and took refuge in Western Darfur. During the armed

conflict, MINURCAT relocated 77 aid workers (60 nationals and 11 internationals) from Koukou Angarana to Goz Beida. The escort duties of MINURCAT were expanded, and patrolling activities were increased in all sectors of eastern Chad in order to enhance area security.

9. In the aftermath of the fighting, the continued proliferation of light weapons and unexploded ordnance left on the ground further increased security risks. Unexploded ordnance claimed the lives of at least six children in the Dar Sila region and resulted in school closures and restricted access to farmland. MINURCAT cleared and confirmed the battlefield area of Am Dam free of the presence of mines and explosive remnants of war on 10 June, which made it possible to reopen access to key social infrastructure and farmland.

## C. Relations between Chad and the Sudan

10. On 3 May in Doha, the Governments of Chad and the Sudan signed a new agreement under the aegis of the Government of Qatar by which they committed to refrain from the use of force against each other and to cease providing support to armed opposition groups. The aim of the Doha agreement is to create a climate of confidence conducive to the implementation of previous agreements. However, the Doha agreement was denounced by the Government of Chad following the rebel incursion in eastern Chad from 4 May, amid accusations that the offensive had been supported by the Government of the Sudan.

11. In the aftermath of the attack on 4 May, relations between Chad and the Sudan deteriorated further, as both Governments accused each other of supporting rival armed opposition groups. On 13 May, 10,000 people demonstrated in N'Djamena to protest against what was perceived to be an attempt by the Government of the Sudan to destabilize the Government of Chad. On 15 and 16 May, the Chadian Air Force carried out three raids against Chadian rebels in the area of Mukjar, south of El Geneina in Western Darfur. The Government of the Sudan described the attacks as an "act of war" and declared that Sudanese forces were ready to respond. On 17 May, the interim Minister of Defence of Chad announced that Chad had withdrawn its forces after destroying seven rebel bases which had been located as far as 40 kilometres inside Sudanese territory. On 28 and 29 May, reports were received of bombings, allegedly by Sudanese aircraft, in the area of Bahai in eastern Chad.

12. Against this backdrop, no progress was made on the implementation of the Doha agreement of 3 May 2009 or the Dakar agreement of 13 March 2008. The seventh meeting of the Dakar Contact Group, which had been initially scheduled for 15 February and was delayed several times, was not convened. On 25 May, following a meeting with Ahmed bin Abdullah Al-Mahmoud, State Minister for Foreign Affairs of Qatar, President Déby reiterated his readiness to respond positively to the efforts of the Government of Qatar to end the current tension. The previous day, President Omar al-Bashir of the Sudan had also expressed his support for those efforts. During the 11th summit of the Community of Sahel-Saharan States, held in Sabratha, Libyan Arab Jamahiriya, on 29 and 30 May, Colonel Muammar Gaddafi, leader of the Libyan Arab Jamahiriya, met separately with Presidents Déby and al-Bashir to encourage them to pursue diplomatic solutions to the crisis.

## D. Developments in the Central African Republic

13. During the period under review, the security situation deteriorated in the MINURCAT area of operations in north-eastern Central African Republic (the regions of Vakaga and Haute Kotto). Cases of banditry and armed robbery increased on the main supply route linking Southern Darfur with the north-eastern Central African Republic and on the main road linking Birao with the rest of the country. The activities of armed groups, including militias and defence groups, gathered pace in both regions, and existing rebel groups further splintered along ethnic lines. The limited capacity of local and national authorities to manage localized conflicts has caused relations between communities to deteriorate further.

14. In and around the town of Birao, an increase in banditry and tribal clashes was associated with the presence, from late April, of elements from the Union des forces démocratiques pour le rassemblement (UFDR), which took part in the inclusive political dialogue in Bangui in December 2008. In early May, 300 displaced persons from the Kara community arrived in Birao from Delembe and Madja, 45 kilometres south-west of Birao, after those areas were attacked by armed men, allegedly Goula elements aligned with UFDR. It was reported that houses had been burned, the local infrastructure destroyed and property stolen. Reports were also received of deliberate shootings and killings of members of the Kara ethnic group by UFDR personnel in Birao and surrounding villages.

15. On two separate occasions, on 5 and 30 May, the national Minister for Territorial Administration convened meetings with local authorities, community representatives and military commanders in Birao to try to defuse tensions. All communities represented at the 30 May meeting agreed to surrender their weapons to the Forces armées centrafricaines (FACA). However, implementation of the agreement was hampered by the limited capacity of FACA in Birao, the perception that FACA was aligned with UFDR and the absence of a follow-up mechanism for conflict management.

16. On 6 June, a group of approximately 60 armed men from the Kara ethnic group attacked UFDR rebels and FACA troops stationed in Birao. Three assailants and three UFDR members were killed, and 10 civilians were injured. On 21 June, another attack took place involving an unspecified number of rebels, during which many houses were burned to the ground. Unconfirmed reports indicate that 12 attackers, 1 UFDR member and 1 civilian were killed and others injured. As a result of the precarious security situation, approximately 1,000 civilians moved to be in close proximity to the MINURCAT bases in Birao and at the airport, and many local residents left the town. In early July, both Kara and UFDR elements agreed to participate in a mediation conducted by the Government of the Central African Republic.

17. During the reporting period, MINURCAT responded to the security situation in the Vakaga region within its mandate and capacities. During the attacks on 6 and 21 June, 26 humanitarian aid workers were relocated to the MINURCAT military base as a precautionary measure. MINURCAT also increased patrols in an effort to project presence and reassure the local population. In the north-eastern Central African Republic, the mandate of MINURCAT is limited to contributing to the creation of a more secure environment, executing limited operations to extract civilians and humanitarian workers in danger, and protecting United Nations

personnel and equipment. Of the authorized strength of 300 troops for this sector, 274 are currently deployed.

## E. Humanitarian situation

18. Eastern Chad continues to face a grave humanitarian crisis. Aid is provided to 260,000 Sudanese refugees in 12 camps, 70,600 Central African Republic refugees and 171,000 internally displaced persons in 38 sites, as well as approximately 155,000 members of the host population most affected by conflict. The volatile security situation in eastern Chad and Darfur, combined with inadequate access to basic services in return areas, are major impediments to the long-term and sustainable return of internally displaced persons and refugees. It is therefore unlikely that any significant voluntary repatriation of refugees or return of internally displaced persons will take place in 2009. The long-term presence of such large numbers of refugees and internally displaced persons has placed an additional strain on the limited resources available to the local population.

19. During the reporting period, increased banditry, exacerbated by a residual rebel presence, continued to limit humanitarian space in eastern Chad. During the first five months of 2009, 152 security incidents were reported against humanitarian workers, their compounds and assets, of which 42 were against United Nations agencies and 110 against non-governmental organizations. Meanwhile, vulnerable groups in refugee camps and sites for internally displaced persons, in particular women and children, continued to be the targets of human rights and other violations perpetrated by armed elements.

20. In early May, as a result of fighting between ANT and Chadian armed opposition groups near Goz Beida and Am Dam, humanitarian activities were temporarily suspended in the area for one week, resulting in the disruption of the delivery of essential humanitarian services to affected populations. Humanitarian organizations resumed their activities in the area as of 12 May. In the area of Birao, in the north-eastern Central African Republic, humanitarian workers resumed their activities following the attack by armed elements against FACA and UFDR positions on 6 June. However, following a further attack on 21 June, most humanitarian operations in the area were suspended.

21. Outside of the MINURCAT area of operations, clashes between armed groups and FACA led to continued displacements of populations from their villages into the Salamat region of south-eastern Chad. Since January 2009, 18,220 refugees from the Central African Republic have arrived in the vicinity of Daha. Humanitarian access continued to be a challenge owing to the remoteness of the area, and was exacerbated by the onset of the rainy season. Due to poor road conditions, at least three days of travel are required to reach Daha, which is situated 720 kilometres south of the humanitarian agencies' hub in Abéché. A task force, headed by the Office of the United Nations High Commissioner for Refugees (UNHCR), has been formed in an effort to address those impediments and maximize assistance to refugees. MINURCAT continues to provide logistical support.

# III. Deployment of the United Nations force

22. As at 30 June 2009, the total strength of the MINURCAT force stood at 2,424 personnel, 46 per cent of the authorized strength of 5,225. This number includes 127 military staff officers, 30 liaison officers and 2,264 formed troops. The Norwegian level-II hospital reached full operating capability on 1 July. Between March and June, the force carried out 960 short-range patrols, 264 long-range patrols, 81 convoys and 38 escorts. In addition, and as outlined above, the force also responded to the deterioration of the security situation in the wake of the fighting in eastern Chad and in Birao in the north-eastern Central African Republic.

23. However, the operations of the force continued to be restricted by the lack of key enablers, including engineers and military helicopters. Discussions with troop-contributing countries are ongoing to augment an existing pledge for an engineer unit with the necessary capacities for airfield maintenance and horizontal construction and to obtain commitments for the two aeromedical evacuation teams included in the force requirements. The four military helicopters that are already in theatre are expected to become operational shortly. However, the Mission lacks any firm offers for the remaining 14 of the 18 required military helicopters.

24. As a mitigating measure, civilian rotary-wing assets were deployed to MINURCAT for the transfer of authority from EUFOR. Initially the aircraft could not conduct night operations or provide a significant level of medical and casualty evacuation support, which limited the force's patrols to areas located within one hour of travel by road from a level-I hospital. Measures have subsequently been devised, and are being implemented, to improve the operability of the helicopters and to certify landing sites in order to augment the level of medical and casualty evacuation support. However, those measures alone will not provide the expeditionary capability required to fulfil the mandated military tasks envisaged in the force's concept of operations.

25. Since my last report, pledges have been received for some outstanding force requirements, including a signals unit, and for contingents to replace those currently on their last rotation. However, the deployment of troops by several troop-contributing countries has been impeded by delays in the procurement of contingent-owned equipment. The possibility of security gaps arising from those delays is a source of concern, particularly in sector centre, where new troops are needed to secure the force's main supply route, and in sector north, where the existing contingent will depart in October 2009. MINURCAT and the Department of Peacekeeping Operations are assessing measures to mitigate the risks, including the use of the force reserve and approaches to bilateral partners, to help enhance the capacity of troop-contributing countries to deploy. Where necessary, the Department of Peacekeeping Operations is also working to generate additional pledges.

# IV. Update on the implementation of the Mission's mandate

## A. Support to the Détachement intégré de sécurité

26. In April 2009, the Government of Chad, with the support of MINURCAT, completed the full deployment of the Détachement intégré de sécurité (DIS) (850 elements) to 12 refugee camps and 6 key towns in eastern Chad, as well as the

command centre in N'Djamena. In December 2008, at the request of humanitarian actors, DIS also established a permanent presence in Koukou Angarana, a site with a high concentration of internally displaced persons, which has become an important humanitarian base. Of the 850 DIS officers, 28 have resigned, citing insufficient financial incentives or other personal reasons, 4 have been dismissed on disciplinary grounds including the misuse of firearms, and another 6 were killed in firefights or car accidents, bringing the current strength to 812.

27. A Department of Peacekeeping Operations team visited N'Djamena and eastern Chad from 2 to 13 June to assess the operations of and support provided to DIS. Some preliminary findings are outlined below. The details and implementation modalities of the Mission's recommendations will be elaborated upon more fully in consultations with the Government and donors in the coming weeks.

28. Since the beginning of the deployment of DIS in October 2008, DIS officers have policed refugee camps and key towns in eastern Chad, which has had a positive impact on the fight against criminality in the refugee camps, with a reduction in the occurrence of rape, in particular. To date, DIS has carried out more than 90 arrests and has handled 56 cases of armed robbery, 2 cases of armed robbery resulting in murder and 5 cases involving rape. During the reporting period, 21 vehicles that had been stolen from humanitarian actors were recovered by the coordinated operations of DIS and Chadian law enforcement agencies, and several gangs were dismantled in Abéché, Goz Beida and Guéréda. Refugee leaders generally appreciate the role of DIS in improving security in the camps, have good working relationships with DIS officers and request a stronger DIS presence.

29. DIS has also performed investigative functions. It has referred cases to the local judicial authorities, and in June 2009 submitted its first investigation file to the State Prosecutor in Abéché. However, DIS investigators often lack the necessary qualifications and training to perform their investigative duties, and none of the DIS stations or posts has detention cells. MINURCAT has established a programme for in-service training to enhance the investigative capabilities of DIS officers.

30. Unfortunately, DIS has been the target of some recent incidents of armed attack. On 14 April, approximately 20 armed individuals attacked the DIS police station in Farchana, killing one DIS officer, injuring another and stealing four automatic rifles. On 13 May, armed individuals attacked the DIS post in Goz Amer, killing one DIS officer and injuring another. On 12 and 13 May, DIS vehicles were attacked by armed men in the vicinities of Guéréda and Farchana, respectively.

31. From October 2008 to May 2009, DIS provided more than 2,600 security escorts to humanitarian actors between key towns and refugee camps. This activity was envisaged in the original concept of operations of DIS on an exceptional basis only. Given the security concerns following the incursion by Chadian armed opposition groups in May, as well as the attacks on DIS, such escorts were reduced from May 2009. Future DIS escorts, which involve United Nations police, will be contingent upon United Nations security clearance and are envisaged to be carried out on an exceptional basis, pending the full deployment of the MINURCAT force to provide the necessary enabling environment. MINURCAT has established an Office of Protection and Escorts, comprising representatives from MINURCAT security, military force and police, as well as from DIS, to better coordinate and respond to requests from the humanitarian community in this regard.

32. DIS officers have noted repeatedly that they feel inappropriately equipped to face the threats in eastern Chad, particularly along road axes. At their request, approximately 50 pick-up vehicles will be delivered to DIS in October, to allow them, as they assess, to better respond when attacked during patrols or escorts. At present, the DIS command has issued to DIS officers approximately 420 of the 900 available side arms as well as 100 automatic weapons, which DIS inherited from the former National Refugee Authority-supported gendarmerie. The issue of DIS weaponry will be revisited once secure weapons storage facilities have been installed in all DIS locations and once directives have been issued and enforced and enhanced training has been provided on the carriage and use of firearms.

33. Unfortunately, DIS officers have been involved in some serious incidents involving the use of firearms, undermining the confidence of humanitarian actors. To date, four cases of serious misconduct have been recorded, including the murder of a civilian by a DIS officer in Farchana in March and the accidental killing of a boy in Koukou Angarana in June. In all four cases, the perpetrators were dismissed from DIS, and MINURCAT is working with Chadian authorities to ensure judicial follow-up.

34. Logistic support for DIS is a matter of ongoing concern. Delays in the construction of permanent offices and accommodations have caused frustration among DIS officers. MINURCAT has provided tents for temporary accommodation and some containers for offices. However, the tents have proven to be inappropriate for the harsh conditions of eastern Chad, particularly during the rainy season from June to September. MINURCAT will continue to address shortcomings in the construction of permanent offices and accommodations in the coming months, as well as the installation, as a matter of urgency, of safe weapons storage facilities in all DIS sites. Meanwhile, radio communications equipment has been installed in all DIS locations and is currently operational. MINURCAT is currently working to set up a radio channel common to DIS, humanitarian actors and the Mission.

35. MINURCAT police are currently monitoring, mentoring and providing technical advice to DIS. To this end, MINURCAT police are co-located with DIS and assist them in all their activities. The co-location is generally limited to daytime, however, due to security concerns. In order to strengthen the capacity of DIS to carry out its mandated tasks, MINURCAT police are currently providing on-site and in-service training to DIS in the areas of community policing, firearm use, crowd control, escort techniques, judicial police and the use of radio communications. MINURCAT is also considering an extension of the initial DIS training course beyond the current 24-day period for the next DIS intake in order to respond to a perceived training shortfall.

36. To date, $21.9 million has been received out of the 2008-2009 revised budget of $25.5 million for support to DIS. I would like to thank the European Union and the Governments of Belgium, the Czech Republic, Ireland, Japan, Luxembourg, the Netherlands, Norway and the United States of America for their contributions. Receipt of the outstanding pledges is urgently required to enable operations to continue. Meanwhile, MINURCAT and the Department of Peacekeeping Operations are finalizing the 2010 budget for support to DIS and will be approaching donors for contributions.

## B. Justice and prisons

37. During the reporting period, MINURCAT developed, in liaison with the United Nations Development Programme (UNDP), a one-year project funded by the Government of Germany to train 148 civil servants to serve temporarily as justices of the peace and justice auxiliaries in the absence of magistrates. The implementing partner for the project is the École nationale d'administration et de la magistrature. In addition, MINURCAT continues to support the training of DIS and local police involved in investigations, in coordination with the national authorities.

38. During the reporting period, MINURCAT and UNDP established a two-year legal aid project, funded by UNDP and implemented by the Chadian Bar Association, to assist vulnerable groups and persons in eastern Chad on legal matters. In cooperation with UNDP and UNHCR, MINURCAT also facilitated the operations of a mobile court by providing support to the Court of Appeals in Abéché in organizing criminal court sessions in various locations, including Abéché and Am Timam, between 1 June and 24 July.

39. Funding for justice system initiatives remains a key challenge. In this regard, MINURCAT, in collaboration with the Government of Chad, has developed a proposal for justice projects for submission to donors. MINURCAT is also supporting the implementation of the Justice Support Programme, which is funded by the European Development Fund.

40. During the reporting period, MINURCAT carried out a wide outreach sensitization programme to improve the general living conditions of prison inmates, especially mothers, infants and juveniles. On-the-job training for prison officers is also ongoing in Iriba and Abéché. In collaboration with the Chadian prison authorities and other stakeholders, and in consultation with the Prison Development Committee, MINURCAT assisted in the drafting of a comprehensive set of laws, policies and procedures to assist the Government of Chad in the establishment of a professional prison system. These measures are now pending the approval of the Parliament in July 2009.

41. Despite progress achieved by MINURCAT and the national authorities towards strengthening the prison system in eastern Chad, daunting challenges remain, including inadequate funding for training national prison staff, the need for rehabilitation and re-enforcement of security in the main prisons and for improvement of prison conditions. Prisoners frequently escape from the Abéché and Iriba prisons as a result of infrastructural deficiencies, which aggravates security threats in the area. Meanwhile, violations of prisoners' rights continue to be reported in prisons and detention cells in eastern Chad. MINURCAT has continued to explore funding opportunities for the improvement of the basic prison infrastructure, especially the rehabilitation of detention cells for females in Abéché prison and security reinforcements for the Iriba and Goz Beida prisons.

## C. Human rights

42. During the reporting period, MINURCAT focused on the monitoring of recruitment and use of children by armed forces and groups as well as on cases and incidents of sexual and gender-based violence. The limited capacities of the Government of Chad in the eastern part of the country have contributed to

widespread impunity; law enforcement officials could respond to only 15 per cent of the cases of human rights violations and abuses that were reported to them. Human rights officers documented alleged violations of the right to life and to physical integrity during the fighting between ANT and Chadian armed opposition groups in May, including attacks on civilians and humanitarian workers by armed individuals and groups in military uniform, reportedly from UFR. A total of 15 civilians were reported killed, including 8 women and 2 children, and 13 were wounded. A Chadian national, subcontracted by an international non-governmental organization, was reportedly killed by UFR elements on 5 May in Kerfi, 45 kilometres south of Goz Beida.

43. During the reporting period, the Mission's regular monitoring visits revealed a number of cases of arbitrary detention and illegal arrest. For example, 10 detainees were held in the Iriba penitentiary facility without being charged for periods ranging from 16 days to 5 months, and in the Abéché facility between 5 days and 32 months. Detainees are kept in poor conditions and in some cases are chained to prevent escape.

44. During the reporting period, MINURCAT documented three cases of sexual and gender-based violence, including rape and assault, allegedly perpetrated by isolated elements of ANT, for which the perpetrators remained unpunished. On 24 April, a 28-year-old woman was raped by two elements of ANT in Guéréda. The two perpetrators were identified and one of them apprehended by DIS. The authorities prevented DIS from proceeding with the arrest. On 10 May, a 22-year-old woman from the Djabal refugee camp was raped, reportedly by two men from ANT. The husband of the victim refused to lodge a formal criminal complaint. The Mission documented three cases of attempted rape, allegedly perpetrated by ANT members deployed to Am Dam, prior to and in the aftermath of the clashes with Chadian armed opposition groups. MINURCAT brought these concerns to the attention of local authorities.

## D. Child protection

45. From 28 April to 6 May, MINURCAT, the United Nations Children's Fund (UNICEF) and the Chadian Ministries of Defence, External Relations and Social Action organized a sensitization and verification mission on child recruitment in eastern Chad. The aim was to raise awareness among local authorities and military commanders of their obligations under international law with respect to children in armed conflict. Some of the military commanders acknowledged the presence of children among the military ranks, although they attributed this to the integration of former rebels into the Chadian army. They also expressed concern that demobilized children would be re-recruited by rebel groups. The delegation suggested that cases of children among the armed forces be referred to the Chadian army focal point for the demobilization of child soldiers.

46. On 14 May, MINURCAT received confirmation of the presence of a large number of minors among the UFR combatants taken prisoner by Chadian forces during the clashes in Am Dam. On 12 June, in a ceremony held in N'Djamena and attended by members of the diplomatic corps, the Ministers of External Relations and Defence handed over 84 such children to UNICEF. They were subsequently

transferred to a UNICEF-sponsored Centre de transit et d'orientation, run by CARE International in N'Djamena, from where they will be reunited with their families.

## E. Civil affairs

47. During the period under review, MINURCAT intensified its activities to promote intercommunity dialogue in the regions of Ouaddai and Dar Sila. In April, MINURCAT and the local authorities of the Assoungha district initiated an intercommunity dialogue between the Massalit and Zaghawa ethnic groups, for the first time bringing together representatives of both communities with a view to supporting the return of Massalits to their villages of origin. Both parties agreed to reactivate and strengthen the existing reconciliation mechanism. In this regard, a Commission des sages, which includes local authorities and other stakeholders, met on 30 June to facilitate the removal of obstacles to the safe return of Massalits.

48. In May, MINURCAT provided support to the Sous Préfet of Molou, near Farchana, to establish a Commission on Conflict Resolution between herders and farmers and revive the existing Mixed Commission between refugees and the host population. In the Dar Sila region, MINURCAT provided support to local authorities to revive conflict resolution mechanisms. MINURCAT also continued to support the reinforcement of local administration capacities with the rehabilitation of the offices of the Koukou Angarana Sous-préfecture.

49. On 22 and 23 May, a joint programme on intercommunity dialogue and conflict management was launched in Goz Beida and Abéché by CONAFIT, the European Union and MINURCAT. The programme will be developed in specific return areas in the Kimiti district of the Dar Sila region and the Assoungha district of the Ouaddai region.

## F. Gender

50. From 21 to 23 June, MINURCAT organized a sensitization workshop on Security Council resolutions 1325 (2000) and 1820 (2008) for female refugees and internally displaced persons and women from the host community in Iriba. The workshop provided a consultative forum for women from the three communities and assisted in identifying female leaders to participate in a forthcoming MINURCAT-initiated intercommunity dialogue.

51. During the reporting period, MINURCAT continued working with partners of the sub-cluster on sexual and gender-based violence to harmonize related activities in refugee camps, sites for internally displaced persons and neighbouring villages. MINURCAT and its partners also worked on training modules for the four key sectors related to sexual and gender-based violence, namely, security, judicial, medical, and psychosocial. The Mission established women and children protection units within DIS stations and commenced a continuing education programme for deployed United Nations police and DIS personnel.

## G. HIV/AIDS

52. During the reporting period, MINURCAT continued to mainstream HIV/AIDS awareness throughout the Mission's activities, including through sensitization of 274 Mission personnel. Peer educators' training was organized for 35 DIS elements to build the capacity of Chadian security agencies to deliver HIV/AIDS awareness and prevention. As part of community outreach efforts, sensitization sessions were also conducted, in collaboration with the Abéché voluntary counselling and testing centre, at a local church and an establishment of higher learning. Approximately 850 young people attended the sessions, and 358 accepted the offer of voluntary counselling and testing services.

## H. Mine action

53. During the period under review, MINURCAT, through its contractor, Mine-Tech International, verified 1,077 kilometres of main supply roads in eastern Chad as free of the presence of mines and explosive remnants of war. This clearance will facilitate the deployment of the Mission and the delivery of humanitarian assistance. Visits were made to 214 villages in conjunction with road verification and decontamination activities. To date, 488 items of unexploded ordnance and 3,106 items of small arms ammunition have been removed and destroyed.

54. Following the fighting between ANT and Chadian armed opposition groups in May 2009, MINURCAT, in coordination with other mine action partners, developed and implemented a mine action contingency plan to respond to the threat of explosive remnants of war and to raise risk awareness. At Am Dam, a 2.92 square kilometre area of battlefield was cleared, providing local populations with access to social infrastructure, such as hospitals and schools, as well as agricultural land. A total of 1,201 items of abandoned/unexploded ordnance and 10,379 items of small arms ammunition were removed and destroyed. In addition, 5,935 local people benefited from mine/explosive remnants of war-risk awareness campaigns conducted in affected areas.

# V. Mission support

55. As previously reported, and in accordance with Security Council resolution 1861 (2009), MINURCAT submitted to the Governments of Chad and the Central African Republic, on 3 and 18 March, respectively, draft amendments to the status-of-mission agreement that reflect the military component of the Mission. The Government of the Central African Republic signed the amendment on 22 June. The Government of Chad submitted counterproposals to the draft amendment, which were discussed with MINURCAT during meetings on 4, 12 and 29 June.

56. During the reporting period, MINURCAT increased its level of support to the Mission's substantive and military components, assuming full responsibility for support from EUFOR in mid-May. The transfer of assets purchased from EUFOR was also finalized during the reporting period.

57. The construction of accommodation and office units had previously been hampered by delays in mobilization of personnel and equipment. Many obstacles

have now been addressed, and work is currently under way to complete the integrated civilian and military camps in Abéché, Goz Beida, Iriba, Farchana and Birao, as well as the consolidation of facilities in N'Djamena. Options for constructing camps in Bahai, Guéréda and Koukou Angarana are being considered. Preparations are also ongoing for the establishment of permanent offices and accommodation at DIS police stations and posts; the engagement of a contractor to build those units is in process.

58. During the reporting period, disruptions to the supply of fuel (both diesel and aviation fuel) posed a major operational difficulty for the Mission. Production problems at the sole refinery in the region compounded the supply problems that had arisen earlier in the year, when a lengthy strike by fuel truck drivers in Chad resulted in a depletion of stocks in N'Djamena. In the light of concerns regarding future supplies of fuel, reductions in operational activities were implemented to maintain a minimum reserve. Measures were also put in place to address the situation, including airlifts of additional fuel supplies and the accelerated mobilization of the Mission's long-term fuel supplier. The situation has now improved dramatically, with an average of over three weeks supply available at the Mission's operational locations.

59. The provision of support continued to be affected by the difficult operating conditions in eastern Chad. Despite some improvements in living conditions in the MINURCAT camps, accommodation is still well below reasonable standards. As a result, previously reported challenges in the recruitment and retention of staff continue to be of significant concern.

## VI. Safety and security

60. During the reporting period, the security phase remained at phase IV in northern and eastern Chad and at phase III in N'Djamena and southern areas. The security phase in northern and eastern Chad remains at phase IV owing to continued tensions in the border areas, which have a negative impact on the work of humanitarian agencies and NGOs. In north-eastern Central African Republic, security phase IV remains in place in the Mission's area of operations.

## VII. Benchmarks and strategic workplan

61. In my report to the Security Council of 4 December 2008 (S/2008/760), I presented benchmarks towards the exit strategy of MINURCAT. In its resolution 1861 (2009), the Security Council requested me to inform the Council on the development of a strategic workplan that would contain indicative timelines to measure and track progress on the implementation of those benchmarks, with a view to meeting them by 15 March 2011. Accordingly, MINURCAT has developed a plan, which is presented in annex I to the present report. The plan will continue to be refined in coordination with key partners. In subsequent reports, I will provide further updates on progress towards fulfilment of the benchmarks.

62. The plan outlines several indicators and related activities for each of the benchmarks. It should be noted, however, that responsibility for meeting the benchmarks for withdrawal goes beyond the mandate and capacity of MINURCAT

and the United Nations country team. This achievement will require the sustained and growing engagement of the Government of Chad, which bears a sovereign responsibility for the security and protection of the civilian populations and humanitarian actors in eastern Chad, as well as the engagement and contribution of multilateral and bilateral partners. The exit strategy of MINURCAT depends, in particular, on developing the capacity of Chadian law enforcement agencies to protect civilians and humanitarian actors with minimal support from the international community.

63. The plan contains a new benchmark on peace and security in the subregion, which provides an important element of context. The threat to the security of civilians in eastern Chad and the necessity to protect them is likely to remain as long as tensions on the Chad-Sudan border persist and the potential for fighting between respective rebels and government forces in Chad and Darfur remains high. In addition, the curtailment or management of local conflicts between ethnic groups in eastern Chad is a vital precondition for the sustainable return of many internally displaced persons. The establishment of stability in the MINURCAT area of operations will require sustained efforts by the Government of Chad, neighbouring States and the wider international community to resolve the causes of armed conflict, both in eastern Chad and in the subregion.

## VIII. Observations and recommendations

64. Despite the achievements of the new MINURCAT force and progress on the deployment of DIS, a number of negative developments materialized during the reporting period. The brief rebel incursion in eastern Chad in May and the fighting that ensued with Government forces exacerbated the security situation in eastern Chad and opened a fresh opportunity for banditry, which undermined the achievements of EUFOR and MINURCAT. The incursion also contributed to the proliferation of small arms, which further destabilized the Sila and Ouddai regions. Internally displaced persons who were contemplating returning to their places of origin were discouraged by the insecurity, which probably will delay their ultimate return by at least another year.

65. The further deterioration of relations between the Governments of Chad and the Sudan following the incursion in eastern Chad was also a setback for the security of the broader region. The Dakar process has been at a standstill since November 2008, when the Contact Group met for the last time. The signing of the 3 May Doha agreement by the Governments of Chad and the Sudan offered renewed hope for the normalization of relations, but these hopes were quickly frustrated. I call on the Governments of Chad and the Sudan to redouble their efforts to build confidence and address the sources of their tensions in order to bring stability to the region and improve the humanitarian situations in Darfur and eastern Chad.

66. Beyond the issue of relations between Chad and the Sudan, however, an enduring stabilization of the region will require the resolution of the internal conflicts prevailing in both countries. In this context, I welcome the progress made in the implementation of the 13 August agreement between the Government of Chad and the political opposition, with a consensus reached on the legislative framework for the elections and modalities for the establishment of the National Independent Electoral Commission. The launch of the demographic census, which will facilitate

voter registration for the future elections, is another positive step. Elections, held in a free, fair, inclusive and transparent manner, could offer a fresh chance for national reconciliation. I am also pleased that MINURCAT is supporting the management and resolution by Chadian actors of localized conflicts in eastern Chad.

67. However, I urge the Government of Chad and all stakeholders to build upon this progress to create the foundations for an inclusive and comprehensive political process in Chad, which should address the sources of conflict in the eastern part of the country. Such a process is urgently needed to alleviate the plight of the hundreds of thousands of refugees and internally displaced persons in Chad and to help create the conditions for MINURCAT to complete its mandate. Armed groups must renounce violence, and all parties should engage in a meaningful political dialogue. I encourage regional actors and Security Council members to support Chadian parties to this end as a vital contribution to stabilizing the region.

68. The training and deployment of DIS in eastern Chad has contributed to enhancing security in refugee camps and key towns. Recent fighting in eastern Chad, however, has raised the expectations of local populations and humanitarian actors regarding the performance of DIS. Following some serious cases of ill-discipline, albeit not numerous, I am pleased that the Chadian authorities are taking measures to prevent future incidents, which risk undermining the image of DIS and the confidence of humanitarian actors. In addition, the recent DIS assessment mission identified key areas of the performance of DIS and MINURCAT support in which improvements should be made, within the current strength and concept of operations of DIS.

69. In the medium term, MINURCAT will continue its efforts, alongside the Government and other partners, to ensure that DIS receives adequate support and has the means to conduct its operations effectively. While current contributions to the DIS trust fund will allow MINURCAT to provide support until the end of 2009, continued donor support will be required for 2010. I therefore urge Member States and regional organizations to consider providing the necessary financial support. We must continue to strengthen this important national capacity to pave the way for the gradual transfer of financial and administrative responsibility for DIS to the Government of Chad, in accordance with the benchmarks for the withdrawal of MINURCAT.

70. Regardless of ongoing adjustments and improvements to the operations of and support for DIS, it is and will remain a community policing force. As such, its capacity to respond to threats of a military nature will remain limited at best. Efforts will therefore continue to expedite the deployment of the full MINURCAT force to enhance area security in eastern Chad. I would like to commend the performance of MINURCAT, especially the new force, during the recent outbreak of armed conflict between Chadian armed opposition groups and Government forces.

71. Compounding the extremely challenging conditions faced by MINURCAT, the force also continues to operate without the support of vital enablers. In order for MINURCAT to achieve its full force projection and expeditionary capability, pledges are urgently needed for those enablers, including 14 of the 18 required military helicopters. In addition, while I am encouraged by recent pledges of troops to replace those departing the Mission, I am very concerned by delays in deployment, which risk creating security gaps. I encourage Member States to assist

troop-contributing countries in acquiring the necessary equipment and expediting the deployment of their contingents.

72. Finally, I would also like to express my appreciation for the work of my Special Representative, Victor Angelo, and his management of the Mission, particularly during the incursion by Chadian armed opposition groups in May. I wish to thank the staff of MINURCAT and the United Nations country team for their collective efforts to contribute to peace and stability in eastern Chad, the north-eastern Central African Republic and the region.

# Annex I

## Benchmarks, indicators of progress and key activities: 2009-2011

The fulfilment of the benchmarks would require, inter alia:

(a) A stable and peaceful environment in eastern Chad and the north-eastern Central African Republic as well as a regional security situation, especially in Darfur, that is conducive to the return of internally displaced persons;

(b) Genuine efforts of the Governments of Chad and the Sudan to achieve a long-standing solution for their disputes through cooperation in the implementation of confidence-building initiatives;

(c) Continued support of the Dakar contact group to the agreement of 13 March 2008;

(d) Concrete steps in the implementation of the Doha Agreement of 3 May 2009;

(e) Continued engagement of the Government of Chad with the international community, particularly by supporting the deployment and operations of the Détachement intégré de sécurité and by guaranteeing the security and freedom of movement of the United Nations and associated personnel;

(f) The implementation of the political agreement of 13 August 2007 for the reinforcement of the democratic process, particularly regarding elections and the reform of the local administration;

(g) Continued commitment by local authorities in Chad to local community reconciliation;

(h) Sustained efforts by the donor community to address the humanitarian, reconstruction and development needs of eastern Chad;

(i) Provision by troop- and police-contributing countries of the necessary military contingents, military liaison and police officers to MINURCAT;

(j) Sustained donor support for the Détachement intégré de sécurité;

(k) Support by the Government of Chad for the deployment of judicial actors to the East;

(l) Adoption of necessary decisions by the Government of Chad in the field of justice and corrections.

### I. Security and protection of civilians

**Benchmark 1**: voluntary return and resettlement in secure conditions of a critical mass of internally displaced persons

| *Timeline* | *Indicators of progress and activities* |
|---|---|
| **March 2011** | Improvement of security in the places of origin of internally displaced persons |
| | Improvement of security along major road axes for returns |

**Benchmark 2**: demilitarization of camps for refugee and internally displaced persons as evidenced by a decrease in the circulation of arms and the level of violence and human rights abuses

| *Timeline* | *Indicators of progress and activities* |
|---|---|
| **January 2010** | Enhancement of community policing in key towns, refugee camps and internally displaced person sites |
| | • Completion of the building of basic infrastructure for the stations and posts of the Détachement intégré de sécurité (DIS) in eastern Chad |
| | • 850 DIS officers fully equipped and armed in all 19 DIS police stations and posts in eastern Chad and with demonstrated ability to maintain law and order in refugee camps and key towns |
| | • Establishment of 19 local community safety councils in eastern Chad |
| | • Establishment by DIS of 19 women and children's desks in key towns and refugee camps in eastern Chad |
| | Enhancement of wide-area security |
| | • Attainment of full operational capacity by the MINURCAT military component and provision of wide area security coverage throughout eastern Chad |
| **July 2010** | Decrease in the circulation of arms and the level of violence and human rights abuses, including sexual and gender-based violence, in key towns, refugee camps and internally displaced person sites |
| | • Community policing by DIS |
| | • Advanced refresher training for DIS, including on human rights |
| | • Committees for refugees and internally displaced persons declare eight refugee camps and internally displaced person sites weapon-free |
| | • Establishment of an additional 35 local community safety councils (for a total of 54) in eastern Chad |
| | • Conduct by DIS of regular surveys in the refugee camps and internally displaced person sites on sense of security |
| | • Effective conduct by DIS of investigations into alleged human rights violations, in particular sexual and gender-based violence |
| | • Provision of wide-area security by MINURCAT throughout eastern Chad |
| **January 2011** | Further decrease in the circulation of arms and the level of violence and human rights abuses, including sexual and gender-based violence, in key towns, refugee camps/internally displaced person sites |
| | • Committees for refugees and internally displaced persons declare 10 refugee camps/internally displaced person sites weapon-free |

**Benchmark 3**: capacity of local authorities to provide the necessary security for refugees, internally displaced persons, civilians and humanitarian workers

| *Timeline* | *Indicators of progress and activities* |
|---|---|
| **July 2010** | Decrease in acts of banditry and violence, as well as increase in humanitarian access in eastern Chad through enhanced presence, capacity and coordination among Chadian law enforcement elements in eastern Chad |
| | • Community policing by DIS under wide area security coverage provided by the MINURCAT military |
| | • Completion of the rotation of 50 per cent of the DIS force |
| | • Expansion of the participation of women in DIS |
| | • Completion of recruitment, training and deployment by the Government of Chad of 900 officers of the Gendarmerie, Garde nationale et nomade and the Chadian National Police, in accordance with selection criteria established by Chadian law |
| | • Establishment by DIS of a security coordination mechanism with the Chadian National Police, the Gendarmerie and the Garde nationale et nomade |
| | Enhanced capacity of local communities to address local conflicts |
| | • Completion of 20 inter-community dialogue projects |
| | Decrease by 40 per cent of deaths/injuries from mines and unexploded ordnance, as reported by the Chad National Demining Authority |
| **March 2011** | Further decrease in acts of banditry and violence and an increase in humanitarian access in eastern Chad through the enhanced presence and capacity of and coordination among Chadian law enforcement elements in eastern Chad |
| | Significant decrease in inter-community clashes |
| | • Establishment of 12 local conflict management committees in eastern Chad |
| | • Conduct of 15 sensitization campaigns/meetings by local authorities (on peaceful cohabitation and modern and customary law on access to water, cattle drive trails and overnight cattle camps) |
| | • Completion of the rotation of most of the DIS force |
| | Decrease by 80 per cent of deaths/injuries from mines and unexploded ordnance in eastern Chad, as reported by the Chad National Demining Authority |
| | Decrease in need for support from MINURCAT to national authorities for the provision of security to civilians and humanitarian actors |

## II. Human rights and rule of law

**Benchmark 4**: ability of the national law enforcement agencies to maintain law and order with respect for international human rights standards

| *Timeline* | *Indicators of progress and activities* |
|---|---|
| **January 2010** | Enhanced capacity of DIS to track and investigate cases |
| | • Establishment by DIS of a database to record crimes, including sexual and gender-based violence |
| | • DIS investigation units operational in all DIS stations |
| | • Provision of in-service training to DIS investigators, including on relevant international human rights standards |
| | Enhanced human rights awareness and frameworks |
| | • Adoption of an action plan by the Government of Chad to prevent the recruitment and use of children by armed groups |
| | • Establishment of an investigation and accountability mechanism for alleged human rights violations, including by DIS |
| **July 2010** | 60 per cent increase in the percentage of reported human rights violations/abuses cases that are investigated/prosecuted by the Chadian authorities, including cases of sexual and gender-based violence |
| | • Establishment of an investigation and accountability mechanism for alleged human rights violations, including by DIS |
| | Enhanced capacity of Chadian authorities to track cases |
| | • Completion of the installation of a tracking system for cases of individuals arrested/detained by DIS |
| | Enhanced human rights awareness and frameworks |
| | • Adoption of an action plan by the Government of Chad on the promotion and protection of human rights |
| | • Attendance by 100 officers of the Gendarmerie, Garde nationale et nomade and local authorities of short-term training courses on international human rights standards, including the protection of children in conflict situations |
| **March 2011** | Enhanced human rights awareness and frameworks |
| | • Ratification by the Chadian Parliament of the Second Optional Protocol to the International Covenant on Civil and Political Rights |
| | • Training of all 22 regional delegates of the Ministry of Human Rights and Promotion of Liberties on human rights standards |
| | • Production by the Government of one treaty body report (Committee on the Elimination of Discrimination Against Women) |
| | Decrease in the need for international support to the Chadian law enforcement agencies |

**Benchmark 5**: progress in the formation of an independent and effective judiciary in eastern Chad contributing to the end of impunity, as evidenced by a significant increase in the capacity and independence of, as well as respect for the justice sector

| *Timeline* | *Indicators of progress and activities* |
|---|---|
| **July 2010** | Enhanced basic judicial capacity in eastern Chad |
| | • The law on the judicial organization of the jurisdiction of the Court of Appeals of Abéché is revised according to demography and judicial case load |
| | • Opening of criminal sessions in the Abéché Court of Appeals |
| | • Opening of the first instance tribunals of Abéché, Iriba and Biltine for hearings on a regular basis, including on mobile circuit |
| | • Deployment of judges of the peace in 20 sub-prefectures in eastern Chad |
| | • Opening of 12 functioning legal aid offices in eastern Chad |
| | • Opening of the Maison des avocats of Abéché with five lawyers deployed |
| **March 2011** | Enhanced basic judicial capacity in eastern Chad |
| | • Increased implementation of the "Programme de reforme de la justice" signed by the President in February 2005 |
| | • Building and equipping the first instance tribunal of Iriba |
| | Decrease in need for international support for the sustainment of a basic judicial capacity in eastern Chad |

**Benchmark 6**: a strengthened prison system in eastern Chad that is based on a human rights approach to prison management

| *Timeline* | *Indicators of progress and activities* |
|---|---|
| **July 2009** | Enhanced prison infrastructure, staffing and regulations |
| | • Rehabilitation and upgrade of security at two prisons in eastern Chad, in accordance with international human rights standards |
| | • Drafting, approval and enactment of a revised Prison Act |
| | • Training (including on applicable human rights standards) and deployment to eastern Chad of 40 prison officers |
| **July 2010** | Enhanced prison infrastructure, staffing and regulations |
| | • Rehabilitation and upgrade of security at two prisons in eastern Chad |
| | • Training and deployment to eastern Chad of 300 prison officers |
| | • Corps prison officers established |

| *Timeline* | *Indicators of progress and activities* |
|---|---|
| | • Drafting, approval and enactment of code of conduct for prison staff based on applicable human rights standards |
| **March 2011** | Enhanced prison infrastructure, staffing and regulations |
| | • Rehabilitation and upgrade of security at one prison in eastern Chad |

## III. Regional peace support

**Benchmark 7**: improvement of overall peace and security in the subregion

| *Timeline* | *Indicators of progress and activities* |
|---|---|
| **January 2010** | Enhanced security along the border between Chad and the Sudan |
| | • Resumption of direct high-level contacts between the Governments of Chad and the Sudan with a view to de-escalating tensions and normalizing relations |
| | • Chadian armed groups renounce armed struggle; all parties engage in political dialogue |
| | • Progress towards a cessation of hostilities and comprehensive peace agreement in Darfur |
| | Progress towards stabilization in Chad |
| | • Progress in the implementation of the 13 August 2007 agreement, with a view to holding free, fair and transparent elections |
| | • Demilitarization of the local administration |
| | • Establishment of mechanisms to build trust and manage local conflicts between ethnic communities in eastern Chad |
| | Stabilization of the situation in the north-eastern Central African Republic (Vakaga and Haute-Kotto) |
| | • Provision of enhanced security by the MINURCAT military component as it reaches its full operational capacity |
| **January 2011** | Enhanced confidence between the Governments of Chad and the Sudan |
| | • Cessation of rebel incursions across the border |
| | • Cessation of military air or land incursions across the border |
| | • Curbing of support for rebels on both sides of the border |
| | Stabilization of the situation in the north-eastern Central African Republic |
| | • Implementation of disarmament, demobilization and reintegration programme for combatants |
| | • Holding of free, fair and transparent elections, with inclusive participation |

# Annex II

## Military and police strength as at 30 June 2009

| *Component* | *Military* | | | | *Police* |
|---|---|---|---|---|---|
| *Country* | *Military liaison officers* | *Military staff officers* | *Troops* | *Total* | *Civilian police* |
| Albania | 0 | 0 | 63 | 63 | 0 |
| Austria | 0 | 4 | 122 | 126 | 0 |
| Bangladesh | 2 | 4 | 0 | 6 | 0 |
| Benin | 0 | 0 | 0 | 0 | 27 |
| Brazil | 4 | 0 | 0 | 4 | 0 |
| Burkina Faso | 0 | 0 | 0 | 0 | 16 |
| Burundi | 0 | 0 | 0 | 0 | 10 |
| Cameroon | 0 | 1 | 0 | 1 | 9 |
| Côte d'Ivoire | 0 | 0 | 0 | 0 | 35 |
| Croatia | 0 | 2 | 15 | 17 | 0 |
| Ecuador | 2 | 0 | 0 | 2 | 0 |
| Egypt | 2 | 0 | 0 | 2 | 13 |
| Ethiopia | 0 | 13 | 0 | 13 | 0 |
| Finland | 0 | 2 | 73 | 75 | 0 |
| France | 0 | 9 | 300 | 309 | 14 |
| Gabon | 1 | 0 | 0 | 1 | 0 |
| Gambia | 2 | 0 | 0 | 2 | 0 |
| Ghana | 1 | 14 | 201 | 216 | 0 |
| Guinea | 0 | 0 | 0 | 0 | 3 |
| Ireland | 0 | 13 | 405 | 418 | 0 |
| Jordan | 0 | 0 | 0 | 0 | 7 |
| Kenya | 0 | 2 | 0 | 2 | 0 |
| Kyrgyzstan | 1 | 0 | 0 | 1 | 0 |
| Libyan Arab Jamahiriya | 0 | 0 | 0 | 0 | 3 |
| Madagascar | 0 | 0 | 0 | 0 | 17 |
| Malawi | 0 | 5 | 0 | 5 | 6 |
| Mali | 1 | 0 | 0 | 1 | 5 |
| Namibia | 0 | 4 | 0 | 4 | 0 |
| Nepal | 1 | 17 | 0 | 18 | 0 |
| Niger | 0 | 0 | 0 | 0 | 12 |
| Nigeria | 1 | 9 | 0 | 10 | 0 |
| Norway | 0 | 3 | 145 | 148 | 0 |
| Pakistan | 2 | 3 | 0 | 5 | 0 |
| Poland | 0 | 2 | 323 | 325 | 0 |
| Portugal | 0 | 0 | 0 | 0 | 5 |

| *Component* | *Military* | | | | *Police* |
|---|---|---|---|---|---|
| *Country* | *Military liaison officers* | *Military staff officers* | *Troops* | *Total* | *Civilian police* |
| Russian Federation | 0 | 1 | 88 | 89 | 0 |
| Rwanda | 1 | 0 | 0 | 1 | 10 |
| Senegal | 1 | 12 | 0 | 13 | 9 |
| Serbia | 0 | 0 | 5 | 5 | 0 |
| Sweden | 0 | 2 | 0 | 2 | 2 |
| Togo | 0 | 6 | 450 | 456 | 8 |
| Tunisia | 1 | 0 | 0 | 1 | 6 |
| Turkey | 0 | 0 | 0 | 0 | 2 |
| Uganda | 2 | 0 | 0 | 2 | 0 |
| United States of America | 0 | 2 | 0 | 2 | 0 |
| Uruguay | 0 | 1 | 0 | 1 | 0 |
| Yemen | 2 | 0 | 0 | 2 | 17 |
| Zambia | 2 | 0 | 0 | 2 | 0 |
| **Total** | **46** | **133** | **2 170** | **2 349** | **224** |

Map No. 4349 Rev. 2 UNITED NATIONS
July 2009

Department of Field Support
Cartographic Section

# S/2009/360

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United Nations S/2009/360

# Security Council

Distr.: General
15 July 2009

Original: English

## Letter dated 14 July 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the attached letter of 7 July 2009 addressed to me by the Permanent Representative of Nepal to the United Nations, Madhu Raman Acharya (see annex), in which he requested, on behalf of his Government, the extension of the current mandate of the United Nations Mission in Nepal by another six months, from 23 July 2009.

I should be grateful if you would bring this letter and its annex to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

09-40547 (E) 160709

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## Annex

### Letter dated 7 July 2009 from the Permanent Representative of Nepal to the United Nations addressed to the Secretary-General

Upon instruction from my Government, I have the honour to request an extension of the duration of the current mandate and the continuation of the related works of the United Nations Mission in Nepal (UNMIN) by another six months, beginning 23 July 2009. The Government of Nepal has decided to request such extension in view of the consistent evolution of the situation in the country and in recognition of the important role being played by UNMIN in providing support and facilitation within its mandate to Nepal's nationally driven peace process since its establishment under Security Council resolution 1740 (2007) and subsequent renewals.

I have further honour to inform you that the peace process which began with the formation of the democratic Government as a result of the success of the People's Movement in 2006 and the signing of the Comprehensive Peace Agreement between the Government of Nepal and the Communist Party of Nepal (Maoist) in November 2006, has consistently been making progress. The Government and the major political parties of Nepal remain fully committed to taking the peace process to its logical conclusion and they have been keenly engaged in that direction. The elected Constituent Assembly is duly working to write a new democratic constitution for Nepal within the stipulated time frame.

Meanwhile, a technical committee formed by the Special Committee constituted in accordance with article 146 of the Interim Constitution of Nepal has already been active and working to assist the Special Committee in taking appropriate measures on the future of the Unified Communist Party of Nepal-Maoist combatants currently living in the cantonments. Within the next month, the Special Committee will be reconstituted as appropriate and will be strengthened with the necessary support structure at the Ministry of Peace and Reconstruction. Similarly, appropriate bodies of the Government, in consultation with all political parties, will shortly come up with an action plan with timelines for discharging the disqualified combatants and also for beginning the process of integration and rehabilitation of the combatants living in cantonments.

(*Signed*) Madhu Raman **Acharya**
Ambassador
Permanent Representative

United Nations S/2009/361

Security Council

Distr.: General
16 July 2009

Original: English

# Report of the Secretary-General concerning the credentials of the alternate representatives of the Libyan Arab Jamahiriya on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 14 July 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations stating that Mr. Ahmed H. M. Gebreel, Mr. Esam A. M. Ganbour, Mr. Emad M. B. Ben-Shaban and Mr. Sofian A. A. Belkheir have been appointed alternate representatives of the Libyan Arab Jamahiriya on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

09-40687 (E) 170709

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United Nations S/2009/362

Security Council

Distr.: General
15 July 2009

Original: English

# Report of the Secretary-General pursuant to Security Council resolution 1820

## I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1820 (2008), in which the Council requested me to submit a progress report on implementation of resolution 1820 (2008), including information on, inter alia, situations of armed conflict in which sexual violence has been widely or systematically employed against civilians; analysis of the prevalence and trends of sexual violence in situations of armed conflict; proposals for strategies to minimize the susceptibility of women and girls to such violence; benchmarks for measuring progress in preventing and addressing sexual violence; information on my plans to facilitate the collection of timely, objective, accurate and reliable information on the use of sexual violence in situations of armed conflict; and information on actions taken by parties to armed conflict to implement their obligations as described in resolution 1820.

2. Following the adoption of the resolution, I entrusted the Department of Peacekeeping Operations, in close coordination with all relevant stakeholders, to undertake appropriate follow-up, including the preparation of the present report. To this end, the Department of Peacekeeping Operations established a coordination group at Headquarters, led by a senior focal point, with the participation of all departments, specialized agencies, funds and programmes concerned, including those represented in UN Action against Sexual Violence in Conflict (UN Action).[1] At the country level, senior-level mission focal points were designated to ensure consolidated inputs from relevant peacekeeping and political mission components, the United Nations country team, and implementing partners. The present report is thus the result of extensive consultations and submissions from headquarters and country-level. It has also been informed by the insights of Member States, non-governmental organizations, legal experts and researchers.

[1] UN Action is comprised of the Department of Political Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights, Joint United Nations Programme on HIV/AIDS, the United Nations Development Programme, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Fund for Women, the World Food Programme and the World Health Organization.

09-40556 (E) 220709

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3. In accordance with resolution 1820 (2008), the present report is confined to the implementation of the resolution in the context of situations that are on the agenda of the Council. These situations are not limited to what can at present be described as armed conflict situations. However, the resolution is essentially concerned with sexual violence against civilians during and in the aftermath of armed conflicts and with related issues; the approach in this report is generally similarly focussed. It should also be noted that sexual violence occurs in armed conflicts around the world that are not on the Council's agenda. While the information in this report is limited to the last two decades, sexual violence has been used against civilians, particularly women and girls, in many conflicts throughout history. The main focus of the report is on peace and security and justice matters relating to sexual violence. It is informed by the definitions of rape and other forms of sexual violence under international criminal law.[2] Most of the inputs that were received from the country level refer to definitions that are contained in national law. It is also guided by the meaning of "widespread" and "systematic" as reflected in international jurisprudence in relation to crimes against humanity.[3]

4. The request in resolution 1820 (2008) for analysis of the prevalence and trends of sexual violence in situations of armed conflict must be considered in the light of the complexities of gathering comprehensive information on sexual violence, even in the best of conditions. Sexual violence is deeply dehumanizing, inflicts intense mental and physical trauma, and is often accompanied by fear, shame and stigma.

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[2] These definitions — ranging from rape to sexual slavery and inhumane acts and torture — can be found in the statutes and jurisprudence of, for example, the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), and the Special Court for Sierra Leone (SCSL). They are also reflected in the law of the International Criminal Court (ICC). The "Elements of Crimes of the ICC" defines rape as "the perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent". Sexual violence is defined as "the perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent".

[3] In the case-law of ICTY, ICTR and SCSL, "widespread" refers to the large-scale nature of the attack and the number of victims, while "systematic" refers to the organized nature of the acts of violence and the improbability of their random occurrence. Patterns of crimes are a common expression of such systematic occurrence. Except for extermination, a crime need not be carried out against a multiplicity of victims in order to constitute a crime against humanity. Thus, an act directed against a limited number of victims, or even against a single victim, can constitute a crime against humanity, provided it forms part of a widespread or systematic attack against a civilian population. The law requires a widespread or systematic attack directed against a civilian population, although in reality such attacks often are both widespread and systematic. In general, crimes against humanity can be committed in times of peace also. Review of Sexual Violence Elements of the Judgments of ICTY, ICTR and SCSL in the light of Security Council resolution 1820 (2008), Department of Peacekeeping Operations, 13 April 2009.

It is a well-established method of torture.[4] For these reasons and particularly in the absence of protection or services, victims do not easily disclose their experiences and there is gross under-reporting of cases.[5] In conflict situations, efforts to document sexual violence are further complicated by chaotic circumstances and population movements, safety concerns, and a breakdown or lack of systems to collect and report information. To ascertain prevalence, population-based surveys would need to be conducted and these are difficult to undertake in conflict settings. However, any lack of comprehensive information should not preclude efforts to prevent and respond to sexual violence. Information from other sources such as police and human rights reports, case report statistics from organizations providing services to survivors, and courts, including international courts, can provide valuable, if partial, insights into a given situation.

## II. Framing sexual violence in armed conflict and its aftermath

5. Under international law, States are obligated to refrain from violating human rights, and must take positive steps to prevent sexual violence, protect individuals from such violence, punish perpetrators, and provide remedy to victims. In armed conflict situations, all parties to the conflict, including State agents, bear primary responsibility to protect civilians in accordance with international humanitarian and human rights law. Grave breaches of international humanitarian law can constitute war crimes, which are often accompanied by other serious crimes under international law, such as crimes against humanity and genocide.

6. Conflict environments, characterized by a breakdown in the rule of law and a prevailing climate of impunity, create the conditions whereby parties, State and non-State alike, emboldened by their weapons, power and status, essentially enjoy free reign to inflict sexual violence, with far-reaching implications for efforts to consolidate peace and secure development. In a number of contemporary conflicts, sexual violence has taken on particularly brutal dimensions, sometimes as a means of pursuing military, political, social and economic objectives, perpetrated mainly against civilians in direct violation of international humanitarian, human rights and criminal law. In fact, for the first time in 1994, in the circumstances of the case, the International Criminal Tribunal for Rwanda (ICTR) qualified the crime of rape as a form of genocide. In so doing, ICTR recognized that sexual violence was a step in the process of group destruction — the "destruction of the spirit, of the will to live, and of life itself".[6] While women and girls are particular targets and are the majority of the victims of sexual violence, the case-law of the International Criminal Tribunal

[4] See, for example, General Assembly resolution 63/155; A/HRC/7/3; and the Istanbul Protocol, Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, United Nations, 1999.

[5] The use of the term "victim" rather than "survivor" in this report is intended to reflect the harm that persons — individually or collectively — endure through sexual violence, and their rights to be treated with humanity and with dignity and respect for their human rights, and their right to remedies; see also General Assembly resolution 60/147.

[6] The *Prosecutor v. Jean-Paul Akaseyu*, ICTR-96-4-T (www.ictr.org).

for the Former Yugoslavia (ICTY) and the Special Court for Sierra Leone (SCSL) also bears testimony to the use of sexual violence against men.[7]

7. Sexual violence can prolong conflict by creating a cycle of attack and counter-attack, especially when it is perpetrated on discriminatory grounds of, inter alia, race and religion. It fuels insecurity and fear, which are among the main causes of displacement, internally and across borders. It is a form of discrimination that inhibits and restricts the ability of women to exercise their rights on the basis of equality with men,[8] and to fully and effectively participate in conflict resolution and peacebuilding processes. When sexual violence is a feature of armed conflicts, there is often a corresponding increase in the incidence of rape and other forms of sexual violence among civilians.

8. Although further study is warranted to establish the causal connections between conflict and post-conflict sexual violence, all countries that are transitioning to peace from conflicts in which sexual violence was a defining feature indicate that rape and other forms of sexual violence are rife and major factors undermining early recovery and peacebuilding.

## III. Use of sexual violence in recent and ongoing armed conflict situations and in their aftermath

9. The information in this section illustrates instances in recent and ongoing conflicts where sexual violence has been used or commissioned to deliberately attack civilians and communities, including by targeting women and girls, on a widespread and/or systematic basis. Although this is by no means an exhaustive account, it sheds light on the nature and pattern of violations, and the identity/affiliation and intent of their perpetrators. In analysing the information, commonalities emerge and demonstrate that history repeats itself and trends persist over time. The majority of past abuses remain to be accounted for and require continued efforts to ensure that perpetrators are duly prosecuted and all victims have access to remedy and reparations for the harm they suffered. For the reasons outlined in paragraph 4 above, the information on ongoing violations in this section is neither comprehensive nor conclusive and deserves further investigation.

10. In a third of the completed cases of ICTY, sexual violence was found to be part of a widespread and/or systematic attack directed against civilians during the various armed conflicts that accompanied the break-up of the former Yugoslavia. In 9 of the 13 completed cases of ICTR, sexual violence was found to be directed against civilian populations, with ICTR confirming that "it is well known that rape and other forms of sexual violence were widespread in Rwanda during the events of 1994".[9] The jurisprudence of the Special Court for Sierra Leone also shows that sexual violence was committed on a widespread or systematic basis against the

[7] For example, in the conflict in the former Yugoslavia, men were forced by their captors to perform sexual acts, including oral sex, in front of other people, and to perform sexual acts on co-detainees, and were severely sexually assaulted; see Review of the Sexual Violence Elements of the Judgments of the ICTY/ICTR/SCSL in the light of Security Council resolution 1820 (2008), Department of Peacekeeping Operations, 13 April 2009.

[8] General Recommendation No. 19 adopted by the Committee on the Elimination of Discrimination against Women (1992).

[9] See *Prosecutor v. Baeosora, Kabiligi, Ntabakuze, Nsengiyumva*, ICTR-98-41-T (www.ictr.org).

civilian population.[10] In many instances, the sexual violence was particularly brutal, both mentally and physically, and often was accompanied by other heinous crimes.[11]

11. This deliberate targeting of civilians continues in ongoing conflicts. In the Sudan, a 2005 commission of inquiry authorized by Security Council resolution 1564 (2004) "established that the Government of the Sudan and the Janjaweed [...] conducted indiscriminate attacks, including killings of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement throughout Darfur".[12] These findings were confirmed and supplemented by a 2007 High-level Mission, which noted that "rape and sexual violence are widespread and systematic".[13] Over the last three years, civilians have continued to report patterns of rape and gang rapes during attacks on their villages, in most instances by armed militias. In neighbouring eastern Chad, it has been reported that sexual violence has increased alarmingly during the past five years, with repeated cross-border incursions of Janjaweed militias from the Sudan, the presence of Chadian rebel groups occasionally clashing with Government forces, and intercommunal fighting of local militias.

12. In eastern Democratic Republic of the Congo, at least 200,000 cases of sexual violence have been recorded since open hostilities began in 1996.[14] However, owing to gross under-reporting of cases and the fact that some victims do not survive to tell their stories, this figure is considered to be a conservative estimate of the actual total number of cases. In March 2009, I informed the Council that sexual violence continued unabated in the Democratic Republic of the Congo. I noted that following the joint Armed Forces of the Democratic Republic of the Congo (FARDC)-Rwanda Defence Forces (RDF) operation against the Forces démocratiques de libération du Rwanda (FDLR) in North Kivu in January 2009, FDLR elements conducted reprisals against local civilian populations. I stressed that members of the security forces, in particular FARDC and the Congolese National Police (PNC), were also responsible for a large number of serious human rights violations, including rape.[15] In parts of South Kivu as well MONUC has registered reports that militia commit sexual violence while looting villages near military encampments and attack women as they gather firewood, food or water. In some areas, male family members leave their families and homes to avoid forced recruitment by the Congres national pour la defense du peuple (CNDP), thereby increasing the vulnerability of women to sexual violence.

13. A noticeable feature of attacks on civilians is the accompanying abduction, enforced prostitution and enslavement of victims. In the Sierra Leone conflict, women and girls were abducted and forced to "marry" combatants. These "bush wives" were then subjected to rape and other forms of sexual violence. Currently in the Democratic Republic of the Congo, for example, reports indicate that FARDC is

[10] The former Yugoslavia, Rwanda and Sierra Leone, and the wider central and west African regions remain on the agenda of the Security Council.

[11] Review of the Sexual Violence Elements of the Judgments of the ICTY/ICTR/SCSL in light of Security Council resolution 1820 (2008), Department of Peacekeeping Operations, 13 April 2009.

[12] See S/2005/60.

[13] Report of the High-level Mission on the situation of human rights in Darfur pursuant to Human Rights Council decision S-4/101 (A/HRC/4/80).

[14] UNICEF Democratic Republic of the Congo.

[15] See S/2009/160.

engaging in enforced prostitution of young girls and is taking young female students as "wives" through a pattern of establishing bases near schools. Further, groups such as FDLR and Lord's Resistance Army (LRA) are abducting women and girls into the forests to be used as sex slaves. FDLR and Mayi-Mayi are abducting women and girls who are then assigned to a soldier as a "wife". Other groups such as the Allied Democratic Forces (ADF) and the National Army for the Liberation of Uganda (NALU) is also carrying out a pattern of abduction and forced marriage, sometimes of girls as young as 12.

14. The perpetrators of sexual violence in recent and ongoing conflicts include members of State armed forces and the police, along with militias and other non-State armed groups. In many cases, civilian and military leaders at the highest echelons of State structures are accused of commissioning or condoning such violence. At ICTR, ICTY and SCSL, several accused were charged on the basis of their superior responsibility in relation to sexual violence committed against civilians by their subordinates. In the Sudan, recent charges against two senior government officials and an alleged Janjaweed leader include counts of attacks against the civilian population, including the crime of rape.[16] To date, reports continue that sexual violence is being committed by members of the Sudanese armed forces and rebel movements, as well as armed groups and opposing communities during clashes. In the Democratic Republic of the Congo, all parties to the conflict, including State agents (FARDC and PNC as well as ex-militia integrated into these structures) and the various non-State armed groups (ADF-NALU, CNDP, FDLR, LRA and Mayi-Mayi) are perpetrating sexual violence. In both North and South Kivu, as well as in Equateur, Kasai Occidental and Kasai Oriental, Bandundu and Kinshasa Provinces, an increase in the incidence of sexual violence by civilians has been observed. In eastern Chad, cases of rape and gang rapes committed by officers and soldiers of the Armée Nationale Tchadienne (ANT) have been documented. In Nepal, in the Tarai region, an estimated 15 to 20 armed groups are reportedly participating in violent activities, including sexual violence against women and girls. In Côte d'Ivoire, elevated levels of sexual violence continue to persist particularly in the western and northern parts of the country, where armed groups, former combatants and militias are mostly concentrated, and in the former zone of confidence.

15. Sexual violence is often perpetrated on proscribed discriminatory grounds of, inter alia, race, sex, religion, political or other opinion, and national or social origin. In the former Yugoslavia, sexual violence formed a part of, and flowed from, the ethnic cleansing of areas coveted by parties to the conflict. In Rwanda, crimes, including acts of sexual violence, were committed in large part against the Tutsi group. In Afghanistan, it is alleged that during the civil war that took place in Kabul from 1992 to 1995, "every mujahidin group fighting inside Kabul committed rape with the specific purpose of punishing entire communities for their perceived support for rival militias. Thus rape, as well as other targeted attacks on civilians, was ethnically based" and "in many cases, it was used as a means of ethnic

[16] *The Prosecutor v. Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman*, ICC-02/05-01/07, and *The Prosecutor v. Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09.

cleansing".[17] In the Democratic Republic of the Congo, evidence suggests that in the aftermath of an indiscriminate attack on the village of Bogoro on or around 24 February 2003, members of the Front des nationalistes et intégrationnistes (FNI) and the Forces de résistance patriotique en Ituri (FRPI) committed criminal acts, including sexual enslavement of civilian women and girls primarily of Hema ethnicity.[18] More recently in the Sudan, rape and other forms of sexual violence were found to be deliberately and indiscriminately directed against a majority of victims from the so-called "African" tribes.[19] In Myanmar, recent concern has been expressed at discrimination against the minority Muslim population of Northern Rakhine State and their vulnerability to sexual violence, as well as the high prevalence of sexual violence perpetrated against rural women from the Shan, Mon, Karen, Palaung and Chin ethnic groups by members of the armed forces and at the apparent impunity of the perpetrators.[20] In Iraq, it has been reported in the media that rape is used in order to persuade victims to become suicide bombers as their only escape from shame in a culture that links "honour" with the modesty/chastity of women.

16. Further, sexual violence is sometimes committed to, inter alia, terrorize and punish and as a form of reprisal. In Sierra Leone, combatants of the then government, the Armed Forces Revolutionary Council (AFRC) directed attacks against the civilian population "aimed broadly at quelling opposition to the regime and punishing civilians suspected of supporting the Civil Defence Forces (CDF)/Kamajors".[21] Both AFRC and the Revolutionary United Front (RUF) extended their power and dominance over the civilian population by perpetuating a constant threat of insecurity, including through the use of sexual violence.[21] In the period between 2004 and 2006, when Haiti faced renewed political instability, it is reported that sexual violence was used by gangs to maintain territorial control, intimidate the local population, and control the social behaviour of women and girls. Today in the Democratic Republic of the Congo, for example, both in North and South Kivu, militias have targeted women and used brutal sexual violence as reprisals for military operations against them.

## IV. Responsibility of States and other parties in relation to sexual violence in conflict and its aftermath

17. All contributions to this report from the country level consistently cite three factors as contributing to and exacerbating sexual violence. These are inadequate measures to: (a) prevent sexual violence and protect civilians; (b) combat impunity for sexual violence; and (c) address continuing discrimination against women and girls, in law and practice. In addition, access to assistance and remedy by victims is

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[17] The Afghan Independent Human Rights Commission, established under article 6 of the Bonn Agreement and supported in its work by the Office of the United Nations High Commissioner for Human Rights, has pointed to the report *Casting Shadows: War Crimes and Crimes against Humanity: 1978-2000*, released in 2005 by the Afghanistan Justice Project.

[18] *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, ICC-01/04-01/07.

[19] See S/2005/60.

[20] Committee on the Elimination of Discrimination against Women, forty-second session, CEDAW/C/MMR/CO/3.

[21] Special Court for Sierra Leone, *Prosecutor v. Sesay, Kallon and Ghao*, SCSL-04-15 (www.sc-sl.org).

inadequate. In this regard, I am outlining some areas that warrant a renewed commitment of States and other parties to conflict to redress with urgency. I would urge the Council to view concrete actions and results in these areas against its request in resolution 1820 (2008) for benchmarks in measuring progress in preventing and responding to sexual violence.

**Prevention and protection**

18. A core aspect of prevention is the need for civilian and military leaders to demonstrate commitment and political willingness to address sexual violence. Inaction essentially sends a message that sexual violence is tolerated. In this regard, I emphasize that clear and forceful instructions and regular messages on the categorical prohibition of sexual violence, and unequivocal demonstrations by word and deed that any breach will be punished, would contribute to a decrease in sexual violence. Additionally, State organs, including ministries of defence, interior and justice, and military and police command structures must institute concrete, time-bound measures, including training of military and police forces to make them aware of their obligations under international humanitarian, human rights and criminal law. In this regard, I would like to draw attention to, for example, the related provisions of the Geneva Conventions of 1949, in particular article 144.[22] Moreover, State and non-State parties must ensure that all reports of sexual violence committed by civilians or military personnel are thoroughly investigated and the alleged perpetrators punished with a view to securing accountability. As noted earlier, in armed conflicts, sexual violence is committed both by State and non-State parties. In accordance with the principle of superior responsibility, which forms part of customary international law, I urge State and non-State parties to armed conflicts to ensure that civilian superiors and military commanders use their authority and powers to prevent sexual violence and punish crimes committed by subordinates, failing which they themselves must be punished.

19. A further aspect of prevention is the need for States to take concerted actions to address entrenched inequalities and de jure and de facto discrimination against women and girls. The linkages, in particular, the impact of armed conflict on women and girls, have been addressed in the context of the implementation of Security Council resolution 1325 (2000) and the related annual report of the Secretary-General to the Security Council. In addition, in 2002, a study of the Secretary-General on women, peace and security, coordinated by the Special Adviser of the Secretary-General on Gender Issues and Advancement of Women, reaffirmed that "where cultures of violence and discrimination against women and girls exist prior to conflict, they will be exacerbated during conflict. If women do not participate in the decision-making structures of a society, they are unlikely to become involved in

[22] Article 144 of the universally ratified Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 provides: "The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population. Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions"; see also obligations of States under articles 146 and 147 of the same Convention.

decisions about the conflict or peace process that follows".[23] In many countries around the world, sexual violence continues to be deeply entrenched in inequalities and discrimination against women, and patriarchal structures. In addition, violence against women committed in the name of culture or tradition persists.[24] This is contributing to double victimization, first for having been sexually violated and second for having to bear the fear, shame and stigma that surrounds sexual violence, and to a culture of silence that essentially impedes victims' access to justice and remedy, and allows impunity to persist. Sexual violence impacts on the full range of civil, cultural, economic, political and social rights of victims, including their rights to education and livelihoods and freedom of movement. For example, in Iraq, due to fear of sexual violence, women are reportedly staying at home and keeping their children from going to school. Girls are more often kept at home than boys. In Myanmar, women and girls are fearful of working in the fields or travelling unaccompanied, given regular military checkpoints where they are often subject to sexual harassment.[25]

20. In the light of this, I would urge States to ratify and implement the core international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, and to remove reservations to this latter treaty. Further, States are encouraged to develop enhanced policies and strategies for local ownership and implementation of resolutions 1325 (2000) and 1820 (2008) with the objective of empowering women, including refugee and IDP returnee women, to become more effective partners in addressing discriminatory practices and improving their status in society. In addition, a very tangible step that States can take is to ensure that the minimum political commitment of at least 30 per cent representation of women in decision-making, and participation in conflict resolution and peacebuilding processes, is achieved.

21. As regards the protection of civilians from sexual violence, I informed the Council in my last report on the protection of civilians in armed conflict that the need to strengthen the protection of civilians stems from the fundamental failure of parties to conflict to fully comply with their legal obligations to do so.[26] In this regard, few reports have been received of actions being taken by the parties to armed conflict to comply with their obligations to refrain from committing sexual violence. In the Democratic Republic of the Congo, statements of commitments (actes d'engagement) were signed by 22 armed groups in the Kivus during the Goma Peace Conference on 23 January 2008. Signatories committed themselves to, inter alia, end all acts of violence against the civilian population, especially women and children. The Nairobi communiqué, which focussed on foreign armed groups in the Democratic Republic of the Congo, also contained a reference to preventing acts of sexual violence. However, significant progress is yet to be observed in the parties either honouring their commitments or protecting civilians, in particular from sexual violence. In Côte d'Ivoire, the Forces nouvelles adopted an action plan in January 2009, in which they committed to combating sexual violence in areas under their

[23] *Women, Peace and Security, Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000)* (the impact of armed conflict on women and girls), United Nations publication, Sales No. E.03.IV.1 (2002), a summary of which was submitted in a report of the Secretary-General on women, peace and security to the Security Council (S/2002/1154).

[24] See A/HRC/4/34.

[25] See E/CN.4/2006/67/Add.1, para. 96.

[26] See S/2009/277.

control, and established a working group to monitor its implementation. The effectiveness of these initiatives will need to be monitored. All parties to conflict are reminded again that they must comply with their obligations under international law to protect civilians.

**Combating impunity**

22. In the area of combating impunity for sexual violence, it bears recalling that rape and other forms of sexual violence are serious violations of international humanitarian, human rights and criminal law, and, depending on the circumstances, may be qualified as war crimes, crimes against humanity or genocide. Hence, it is particularly important for States to strengthen their domestic capacity to hold all perpetrators, including members of State armed forces and the police, and non-State armed groups accountable for sexual crimes. To this end, weaknesses across formal and informal justice sectors must be addressed and greater efforts taken to ensure that amnesties and immunities exclude those who commit or commission sexual violence.

23. Weaknesses in the laws and procedures of many countries as well as in the administration of justice essentially allow perpetrators to escape punishment and deny victims the right to remedy. For example, in Côte d'Ivoire, the Penal Code does not contain a definition of rape or its elements, leaving room for inconsistent rulings and detrimental decisions. Rape charges can also be reclassified as attacks on modesty or "attentat a la pudeur", which is a less serious offence with lesser penalties. In the Sudan, the 1991 Criminal Act and its proposed amendments recognize the offence of rape but continue to link it to the substantive or evidentiary requirements of adultery or sodomy. The reference to adultery in the definition of rape exposes victims to the risk of prosecution for the crime of adultery. Further, in the Sudan's plural legal system, both common law and Shari'a courts have jurisdiction over these issues, with often diverging interpretations of the Criminal Act. In Iraq, not only does the Penal Code allow a perpetrator to escape accountability for rape or sexual assault if the offender "lawfully marries the victim", but victims may face criminal charges for engaging in illegal sex. Weaknesses in the legal framework go beyond questions of definition or jurisdiction. Other factors undermine legal recourse. In Nepal, for example, the statute of limitation for rape is 35 days. Furthermore, in countries such as Afghanistan, Côte d'Ivoire, the Democratic Republic of the Congo, Iraq, Kosovo, Liberia, Myanmar, Nepal, Sierra Leone, the Sudan and Timor-Leste, the effective administration of justice is hampered not only by a lack of capacity, but also by the fact that some justice officials do not give serious consideration to reports of sexual violence. Of the few cases that are reported, many are not effectively investigated and prosecuted. Further, women's access to justice is in several contexts compromised by the lack of enjoyment of economic and social rights, as, for example, when they cannot afford the cost of the medical reports that in many countries are required to file a charge of rape.

24. In the aforementioned areas, however, some encouraging developments have emerged. In July 2006, the National Assembly of the Democratic Republic of the Congo adopted new legislation criminalizing rape and other forms of sexual violence. In Burundi, the Senate recently adopted a new Penal Code that contains provisions that criminalize violence against women. Further, in Liberia, the Government has established women and children protection units in police stations,

a new sexual and gender-based crimes prosecution unit in the Ministry of Justice, and Criminal Court "E" with special competence to try sexual crimes. Similar family and child protection units have also been established by the Government of the Sudan in several States, with the support of UNICEF, including in the three Darfur States. In the Democratic Republic of the Congo, the Executive Secretariat of the Police Reform Committee is leading the establishment of sexual violence special units within PNC and is assisting to coordinate, inter alia, the training of those units. In the Sudan, the Government has taken positive steps to remove the requirement of "Form 8", which obliged women to report rape to the police/security before they were entitled to receive medical examination and treatment.

25. However, in the light of the significant improvements that are needed to achieve effective legal frameworks to combat impunity, I would urge States to undertake comprehensive legal and judicial reforms, in conformity with international standards, without delay with a view to bringing perpetrators of sexual violence to justice and to ensuring that victims are treated with dignity throughout the justice process, are protected and receive remedy. I would invite States to draw on important resources such as the *Model Codes for Post-Conflict Criminal Justice*, which were developed in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crimes (UNODC) to fill gaps in their criminal law and procedures and to request United Nations assistance in this regard. Further, I would encourage States parties to the Rome Statute of the International Criminal Court to enact legislation to implement their complementarity obligations.

26. Another area that must be addressed by States is the role of military justice with respect to sexual violence committed by military personnel. In accordance with human rights standards, the jurisdiction of military tribunals should be restricted solely to specifically military offences committed by military personnel, to the exclusion of human rights violations, which should come under the jurisdiction of ordinary criminal courts.[27] In countries where sexual crimes committed by military personnel fall under military jurisdiction, military tribunals have largely failed to carry out their duty to investigate and prosecute offenders. For example, in the Democratic Republic of the Congo, there appears to be a lack of will to investigate and prosecute high-level military and other officials who have allegedly committed sexual violence. On 7 March 2008, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) informed the Government of the results of its investigation of five high-ranking FARDC officials who are suspected of perpetrating sexual crimes, yet to date no arrest warrants have been issued and two of the officers are still actively commanding troops in the east. In addition, former combatants who have allegedly perpetrated serious crimes, including sexual violence, have also been integrated into FARDC and retain command responsibility in military operations. At the same time, the Government has established regional follow-up committees in Kasai Occidental and Kasai Oriental Provinces, North and South Kivu Province, and Province Oriental, to investigate violations perpetrated by the armed forces, and ad hoc military courts for North Kivu to immediately prosecute abuses by FARDC. It is essential that these mechanisms be strengthened in particular to ensure compliance with human rights standards. Similarly, in

[27] See E/CN.4/2005/102/Add.1, Principle 29; see also A/HRC/4/25/Add.3, para. 4, and E/CN.4/2006/58, Principle 9.

Myanmar, although there has been documentation and identification of military personnel who have committed sexual violence, including relevant dates and battalion numbers, disciplinary or criminal action is yet to be taken against the alleged perpetrators.[28] In the light of this, States must ensure that sexual crimes, including those committed by military personnel, fall under the jurisdiction of civilian courts rather than military courts, and that such crimes are investigated and prosecuted in accordance with international due process and fair trial standards. Moreover, States must ensure that vetting processes exclude persons against whom there are credible allegations, and evidence of crimes, including sexual crimes; such persons should also be excluded from public institutions, including integrated armed forces.

27. Moreover, in countries such as Afghanistan, Burundi and Sierra Leone, as much as 80 per cent of the population have recourse to customary and traditional dispute resolution and community mediation mechanisms. These mechanisms should not deal with sexual violence cases owing to their serious nature, but do so in reality. As such, efforts must be made to harmonize these mechanisms with international human rights standards, as they are, unfortunately, contributing to a culture of impunity for sexual violence.[29] For example, cases are often resolved through amicable settlements, thereby undermining the criminal aspect of the offences in both the consideration and outcome of cases. Outcomes are frequently lenient on the perpetrator and result in a monetary or other benefit for the family, community or traditional leaders rather than remedy for the victim. Additionally, in many cases, when victims lodge complaints with the police, they face pressure from the family or community to drop the charges and often accept a settlement in the face of few options. The former situation is especially true when the penalty for rape is severe, for example, life imprisonment, or when the perpetrator is a family or community member upon whom the victim may be economically dependent. States must also engage community and traditional leaders in sensitizing communities on sexual violence to avoid marginalization and stigmatization of victims, to assist with their social reintegration, and to combat impunity for these crimes.

28. Amnesties for war crimes, genocide, crimes against humanity and serious human rights violations, whether in the context of peace negotiations and agreements, or in domestic constitutional or legal frameworks, undercut efforts to combat impunity, including for sexual crimes. Such amnesties may be inconsistent with States' obligations under treaty law and customary international law. For this reason, the United Nations, when mediating or facilitating peace processes, does not recognize amnesty for genocide, crimes against humanity, war crimes and other serious violations of human rights and international humanitarian law, including rape and other sexual violence crimes. Despite this, the 2007 Amnesty Ordinance in

[28] See A/HRC/10/19.

[29] The Human Rights Committee, in its General Comment No. 32, has stated that article 14 of the International Covenant on Civil and Political Rights (ICCPR) is relevant where a State, in its legal order, recognizes courts based on customary law, or religious courts, to carry out or entrusts them with judicial tasks. It must be ensured that such courts cannot hand down binding judgments recognized by the State unless the following requirements are met: proceedings before such courts are limited to minor civil and criminal matters, meet the basic requirements of fair trial and other relevant guarantees of the Covenant, and their judgments are validated by State courts in light of the guarantees set out in the Covenant and can be challenged by the parties concerned in a procedure meeting the requirements of article 14 of the Covenant.

Côte d'Ivoire fell short of explicitly excluding crimes against humanity and war crimes from amnesty. Moreover, in the Sudan, the Armed Forces Act of 2007 and the Police Act of 2008 stipulate procedural immunity for armed and police forces. The former grants immunity to military personnel, and for offences committed in the course of their duties. They cannot be prosecuted by military or civilian courts unless immunity is waived by the President. It is therefore important for States to ensure that amnesties and immunities do not allow perpetrators of sexual violence to escape accountability.

29. In the area of remedy and reparations, victims of gross violations of international human rights law and serious violations of international humanitarian law have the right to remedies that include equal and effective access to justice and reparation for harm suffered. In view of extensive sexual violence committed by State agents, I recall the obligation of States to "provide reparation to victims for acts or omissions which can be attributed to the State".[30] Reparation can take the form of restitution, compensation, rehabilitation, satisfaction including apologies and measures to establish the truth, and guarantees of non-repetition. This area deserves special focus owing to very weak implementation. For example, in Equateur Province of the Democratic Republic of the Congo, 119 women were raped in the village of Songo Mboyo on 21 December 2003. In response to a special investigative mission conducted by MONUC, a military tribunal in Mbandaka found seven FARDC officers guilty of crimes against humanity. That was the first time that FARDC military personnel were held accountable for rape. Unfortunately, however, it must be noted that reparations allocated to the victims by the military tribunal have never been paid, in spite of the fact that the State had been condemned in solidum with the perpetrators. While considerable resources have been provided by the international community to help Congolese actors implement the 2006 Law on Sexual Violence, there have been serious problems with having sentences executed in practice, in particular the payment of damages and interests.

**Assistance to victims**

30. In the area of assistance to victims, reports from Afghanistan, Burundi, Iraq, Liberia, Nepal, Sierra Leone and Timor-Leste indicate that access to key medical, psychosocial and socio-economic reintegration services is inadequate, especially in rural areas. Further, in Afghanistan, Iraq, Nepal and the Sudan, international and national non-governmental service providers working on behalf of victims face many risks in carrying our their work. It is essential that States strengthen national responses and services to victims of sexual violence. Furthermore, States must facilitate and support the work of service providers that deserve much recognition for assisting and protecting victims, sometimes in inaccessible or remote areas where they are very often the only ones present. I am particularly concerned that since September 2008 in the Sudan, many non-governmental organizations have been forced to close their operations, affecting access to life-saving services. As I have stated on previous occasions, under international humanitarian law, parties to conflict must protect and meet the basic needs of persons within their control. In situations where they are unwilling or unable to do so, they must allow and facilitate the work of intergovernmental and non-governmental organizations in providing critical life-saving humanitarian assistance.

[30] General Assembly resolution 60/147.

# V. United Nations efforts to prevent and respond to sexual violence

31. To assist States to prevent sexual violence, protect individuals from such violence, punish perpetrators and provide remedy to victims, the United Nations system is taking actions across its main work areas of peace and security, human rights, humanitarian affairs and development. Actions are diverse and include, inter alia, planning support and strategic advice, awareness-raising and advocacy, capacity development and training, legal and judicial reforms, institutional reforms, the provision of services to victims and establishment of victim support centres, legal assistance, monitoring and protection, and support to regional peacekeeping forces.

32. As part of these efforts, I am exercising my own good offices to advocate for an end to sexual violence, including through my global campaign "UNiTE to end violence against women". Further, I am committed to strengthening coordination in the United Nations system, across the areas of peace and security, humanitarian affairs and development, to ensure that the United Nations "delivers as one" in preventing and responding to sexual violence. To this end, I am engaging with my Special Envoys and Representatives and through the Emergency Relief Coordinator, resident and humanitarian coordinators to give greater attention to the issue of sexual violence, including in dialogue with parties to conflict. In addition, with the introduction of integrated strategic frameworks to improve the formulation of strategic objectives between peacekeeping missions and United Nations country teams, I am committed to ensuring that joint priorities on preventing and responding to sexual violence are established.

33. Multisectoral responses to sexual violence in the area of humanitarian assistance also require coordinated action among, at a minimum, protection, health and social services actors, legal, human rights, and security sectors and affected communities. Humanitarian efforts on sexual and gender-based violence in, for example, the Democratic Republic of the Congo and the Sudan, are coordinated under the cluster approach on a cross-sectoral basis, with different clusters being accountable for responding to sexual violence, in particular the protection and health clusters. In the area of protection, UNHCR serves as the global lead with the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF) co-leading the gender-based violence area of responsibility. In many humanitarian settings, UNFPA and UNICEF coordinate field-level multisectoral gender-based violence coordination groups under the protection cluster. The advisers deployed through the inter-agency Protection and Gender Capacity Standby Roster Projects strengthen the capacity of clusters. In addition, United Nations Action against Sexual Violence in Conflict was endorsed by my Policy Committee in 2007 as a United Nations system-wide initiative to guide advocacy, knowledge building, resource mobilization, and joint programming.[31] It provides catalytic support to the United Nations system in developing and implementing comprehensive strategies to address sexual violence in conflict. I encourage my Special Representatives and resident and humanitarian coordinators to avail of the support that UN Action can provide, and UN Action to continue to implement its strategic framework for the period 2009-2010.

[31] Policy Committee Decision No. 2007/31, Violence against Women, 15 June 2007.

34. The United Nations must lead by example, and increase the participation of women in peacekeeping. This serves both as a model of women's empowerment to communities and societies rebuilding after conflict, and renders protection and support to women and girl victims of sexual violence more effective. As concerns the former, I have noted on many occasions that the operational deployment of female United Nations police officers to the United Nations Mission in Liberia (UNMIL) has positively contributed to a three-fold increase in the number of applications from women to join the Liberian National Police. As concerns the latter, the almost 13 per cent representation of women in the police component of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) has resulted in corresponding clear commitments to address sexual violence and more effective responses by the mission. I urge Member States to ensure a sizeable representation of female military and police personnel in deployments to peacekeeping missions and to provide them with adequate training in order to carry out their responsibilities, and encourage emerging troop- and police-contributing countries to consider deploying female military and police peacekeeping personnel. Moreover, in the lead up to the tenth anniversary since the adoption of resolution 1325 (2000), I invite the international community to reaffirm its commitments and address the most urgent challenges and obstacles to mainstreaming a gender perspective into peace and security and to ensure the complementary implementation of resolutions 1325 (2000) and 1820 (2008).

35. Leading by example also requires rigorous implementation of the United Nations zero tolerance policy on protection from sexual exploitation and abuse by staff and related personnel.[32] In this regard, important steps have been taken to implement the 2003 Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13). These include the allocation of resources by the General Assembly to support the establishment of conduct and discipline teams in 20 peacekeeping and political missions, a resolution on strengthening criminal accountability of United Nations officials and experts on missions (General Assembly resolution 62/63), and a revised model memorandum of understanding (A/61/19, Part III) between the United Nations and troop-contributing countries, as well as a victim assistance strategy (see General Assembly resolution 62/214). I stress that all United Nations entities must fully implement the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13), including through the establishment of and participation in inter-agency, in-country networks. Furthermore, troop- and police-contributing countries must take appropriate disciplinary actions in all cases of sexual exploitation or abuse by peacekeepers and keep the United Nations informed of progress in this regard.

36. In the area of early recovery and peacebuilding, the Peacebuilding Commission has been playing a key role in supporting activities to prevent sexual violence. In this regard, the Strategic Framework for Peacebuilding in the Central African Republic was formally adopted on 6 May 2009, and contains important commitments to address the widespread and systematic use of sexual violence occurring in the armed conflict and crimes continuing in its aftermath. In addition, the Peacebuilding Fund is also supporting projects in Burundi, Liberia and Sierra Leone to prevent and respond to sexual and gender-based violence. I encourage the

[32] See General Assembly resolution 59/300.

Peacebuilding Commission to build knowledge about how sexual violence impedes early recovery, and ensure that adequate financing is made available for implementing coherent, multisectoral responses to sexual violence, including projects resulting from joint United Nations-Government comprehensive strategies to combat sexual violence. At the same time, the United Nations Development Programme (UNDP) and its partners are continuing to support programmes in the area of the rule of law, women's access to justice, and socio-economic opportunities for survivors and to integrate attention to sexual violence into national capacity development.

37. Further, efforts are under way to ensure that peace negotiations and outcomes contribute to preventing and responding to sexual violence. Of note is a significant inter-agency undertaking, involving the Department of Political Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, UNDP and the United Nations Development Fund for Women (UNIFEM), on behalf of UN Action, and in collaboration with the Centre for Humanitarian Dialogue, to develop additional guidance for United Nations and other mediators to ensure that adequate language and mechanisms related to command responsibility, vetting of armed and security forces, and exclusion of sexual violence from amnesties are incorporated into future peace agreements. Building on this initiative, the Department of Political Affairs will develop guidance for mediators on ways to effectively address issues related to sexual violence in armed conflict in the drafting of peace agreements.

38. To achieve more effective protection of civilians, a series of actions are under way to provide guidance to peacekeeping missions. This includes an independent study commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, whose findings will inform the development of overarching guidance on the protection of civilian mandates. The Department of Peacekeeping Operations is developing gender guidelines for military personnel in peacekeeping operations to facilitate implementation of resolutions 1325 (2000) and 1820 (2008), and operational guidance to assist civilian, military and police components of peacekeeping missions to effectively implement resolution 1820 (2008). The Department of Peacekeeping Operations will also ensure that guidance for military and police personnel on addressing sexual violence is appropriately included in pre-deployment and induction training standards and delivered through support to troop- and police-contributing countries. Further, the Office for the Coordination of Humanitarian Affairs is building on two recent conferences on the themes "Use of Sexual Violence in Conflict" (see the Office for the Coordination of Humanitarian Affairs meeting report, 26 June 2008) and "Gender-based Violence in Recent Intra-State Conflicts" (see Harvard Humanitarian Initiative, September 2008) in an effort to ascertain potential interventions that could influence non-State armed groups to refrain from committing sexual violence during conflict and displacement. The Department of Peacekeeping Operations is also working with UNIFEM and UN Action to finalize the *Analytical Inventory of Responses by Peacekeeping Personnel to War-Related Violence against Women*, which catalogues existing good practice by military personnel to prevent, deter and respond to conflict-related sexual violence.

39. Measures by peacekeeping operations to ensure greater protection of populations at risk include the adoption of Mission directives that aim to elaborate the role of peacekeeping missions in protecting civilians, including from sexual

violence, during operations. A comprehensive mission directive was issued by UNAMID in February 2009 for military and police components, identifying, inter alia, measures that the military and police should take to provide a secure environment for humanitarian assistance, as well as the most frequent grave violations against civilians in Darfur and the responses that are expected of the military and police. Similar directives have been issued by MONUC and the United Nations Mission in the Sudan (UNMIS). In other peacekeeping contexts, my Special Representatives and heads of military and police components will review mission directives for civilian, military and police components of peacekeeping operations, to ensure that prevention and response to sexual violence are duly reflected in the implementation of peacekeeping mandates.

40. Good practices are also emerging in making interventions more strategic. In Liberia, the United Nations system joined forces with national partners in the last five years to develop coordinated policies, programmes and strategies, culminating in a joint Government-United Nations programme on sexual gender-based violence. More recently, MONUC and the United Nations country team, with the assistance of a senior adviser on sexual violence, financed by UN Action, developed a comprehensive strategy to combat sexual violence in the Democratic Republic of the Congo, which was endorsed by the Government of the Democratic Republic of the Congo on 1 April 2009. It holistically addresses the issue of sexual violence, structured around four pillars: (a) combating impunity; (b) prevention and protection; (c) security sector reform; and (d) multisectoral response for survivors. Building on these examples, my Special Representatives are encouraged to work with United Nations country teams to initiate dialogue with Governments to develop, where they do not exist, joint Government-United Nations comprehensive strategies to combat sexual violence, in consultation with all relevant stakeholders, and to regularly provide updates on this in their standard reporting to Headquarters. The Emergency Relief Coordinator is to request the same of humanitarian coordinators in non-peacekeeping contexts.

41. Further measures include the deployment of joint patrols to enhance the protection of civilians, including from sexual violence. For example, in February 2008, MONUC deployed joint protection teams to seven locations in North Kivu and two in South Kivu. The joint protection teams, supported by civilian components of MONUC, have cooperated with local authorities and communities, and implemented measures such as voluntary curfews and night patrols in high-risk areas. Combined UNAMID military and police patrols have also been established within and outside IDP camps. United Nations agencies, UNAMID and international NGOs are contributing to protection by carrying out awareness-raising and training on sexual violence for Government staff, and IDP women and camp leaders.

42. In several peacekeeping missions, United Nations police components, through mentoring and technical support to State police bodies, are playing an important role in preventing and responding to sexual violence. In at least seven missions, the United Nations police has assisted in creating national specialized police units that receive reports of cases of sexual violence. For example, in Timor-Leste, United Nations police helped to establish Vulnerable Persons' Units, staffed by women police officers, across the Timor-Leste National Police districts. Other types of support include measures by MONUC United Nations police to reinforce the operational support to the Congolese National Police (PNC) territorial units, through joint patrolling along priority axes with the MONUC formed police units. Further,

MONUC is developing a concept of operation, with the assistance of the Standing Police Capacity, to guide and support units of the *Police Speciale pour le Protection de L'Enfance et de La Femme* within PNC. In eastern Chad, the United Nations Mission in the Central African Republic and Chad (MINURCAT) is currently working with the United Nations *Police de Proximité* Unit to establish women and children protection units within the United Nations police/Détachement intégré de sécurité Commissariats.

43. In the area of disarmament, demobilization and reintegration, the Inter-Agency Working Group on disarmament, demobilization and reintegration, co-chaired by the Department of Peacekeeping Operations and UNDP, launched the *Integrated Disarmament, Demobilization and Reintegration Standards* in December 2006. This document provides guidance on gender-sensitive approaches to disarmament, demobilization and reintegration, including the provision of security for female ex-combatants, and the screening of women associated with fighting forces and their dependents to identify and address their experiences of sexual violence during conflict. Additional guidance is being developed by the Inter-Agency Working Group to operationalize the existing framework. There is a strong attempt to address HIV/AIDS and sexual violence in disarmament, demobilization and reintegration programming by UNDP, UNICEF, UNFPA, UNIFEM and the Joint United Nations Programme on HIV/AIDS (UNAIDS) so as to provide more comprehensive services for demobilized individuals, particularly women and children associated with fighting forces.

44. To strengthen the rule of law in conflict-affected countries, many peacekeeping operations are mandated to assist national authorities in reinforcing their law enforcement, justice and corrections systems. More emphasis will be placed on building national capacities to prevent and respond to sexual violence while implementing measures to professionalize security institutions in peacekeeping contexts. In addition, human rights components of 15 peacekeeping operations carry out monitoring, public reporting, the provision of technical assistance, and the development of long-term national capacities to ensure that human rights are protected by the rule of law. Further, since 2008 UNDP has been implementing its Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations, which targets 20 conflict and post-conflict countries with support in developing comprehensive and integrated rule of law programmes. A major component of these programmes includes access to justice and security for women and girls, especially victims of sexual violence. To further strengthen United Nations responses, under the auspices of the Rule of Law Coordination and Resource Group, I request the Department of Peacekeeping Operations, OHCHR, the Office of Legal Affairs and UNDP, which have been designated lead entities for the rule of law in conflict and post-conflict situations to develop, with other key actors, a comprehensive strategy to combat impunity for sexual violence.[33]

45. However, as I have outlined earlier in this report, sexual violence in ongoing conflict situations is of grave proportions, with State and non-State actors alike committing violations with impunity, with a corresponding failure to comply with their obligations under international law to refrain from committing sexual violence and to protect civilians from attack. Much greater efforts are needed to actively and

[33] Decisions of the Secretary-General, Policy Committee meetings of 7 November 2006 and 15 June 2007.

consistently identify, monitor, investigate and report on perpetrators of sexual violence. To date, the most comprehensive and evidence-based information on the use of sexual violence in armed conflict situations, as well as on the perpetrators of such violence, come from the ad hoc criminal tribunals (ICTY and ICTR), hybrid (e.g., SCSL) and international courts, transitional justice mechanisms, commissions of inquiries and special investigative missions. Thus, to ensure greater accountability for sexual violence, the full range of international, hybrid and national justice mechanisms, as well as transitional justice mechanisms, commissions of inquiries and special investigative missions should be employed. Accordingly, I urge the Council to deploy as an immediate measure a commission of inquiry, containing experts specialized in investigating sexual violence crimes, and supported by appropriate investigative capabilities and resources, to ongoing conflict areas in the Democratic Republic of the Congo, Chad and the Sudan to investigate violations of international humanitarian, human rights and criminal law with regard to sexual violence; to identify all those responsible for perpetrating sexual violence and to report comprehensively on acts or omissions by States and other parties to armed conflict; and to recommend to the Council the most effective mechanisms, international and national, to ensure accountability.[34]

46. I am pleased to note the intentions of my Special Representative for Children and Armed Conflict and UNICEF to strengthen data collection and reporting on sexual violence within the framework of resolution 1612 (2005). This effort is intended to provide a better platform for monitoring and reporting of grave child rights violations, identifying perpetrators in armed forces and armed groups, and guiding programmatic response. As noted in my last report to the Council on children and armed conflict (S/2009/158), I strongly support the close cooperation that has been initiated to ensure that resolutions 1612 (2005) and 1820 (2008) are implemented in a mutually reinforcing manner, both at headquarters and country-level.

47. To address the gaps in the area of ensuring that victims of sexual violence can exercise their right to reparations, work is being done in the Democratic Republic of the Congo to establish, on a pilot basis, a guarantee mechanism to ensure that victims of sexual violence who successfully obtain convictions against one or more perpetrators, as well as an award of damages and interest, receive at least a portion of those damages and interest. This guarantee mechanism would help to restore a degree of trust in the formal justice system in terms of the implementation of its judicial decisions, particularly as the State is currently not honouring court awards of damages and interest against it when its agents, primarily in the police and the military, are convicted in cases of sexual violence. In addition to the problems involved in cases where the perpetrator is known, the lack of reparations for victims where the perpetrator is not known is of equal concern. In an effort to broaden access for all victims of sexual violence to reparations, OHCHR and the joint OHCHR/MONUC Human Rights Office in the Democratic Republic of the Congo has been engaging in a consultation on the main elements of a reparations project. I

[34] The terms of reference should be designed to be complementary to ongoing but still modest international initiatives to map violations and secure accountability, such as the ongoing OHCHR mapping of the most serious violations of international humanitarian and human rights law which were committed in the Democratic Republic of the Congo between 1993 and 2003. The Commission of Inquiry on Darfur established by the Council in 2004, and supported by the Office of the United Nations High Commissioner for Human Rights, may serve as a model.

welcome these efforts and believe that such initiatives should be further strengthened and enjoy the full support of all partners at country-level.

48. A holistic, coordinated response to sexual violence is particularly important as it impacts every aspect of a victim's life. In addition to the severe psychosocial impact, sexual violence leaves some survivors with long-term physical and mental health problems, including traumatic fistulae and other physical wounds, as well as unwanted pregnancies and sexually transmitted infections, including HIV/AIDS. Survivors of sexual violence face enormous barriers in access to services and in securing justice through the courts or community-based mechanisms. At the family and community level, survivors usually suffer in silence, fearing stigma, rejection and ostracism if their ordeal is made public.

49. With regard to the provision of assistance to survivors of sexual violence, United Nations entities are following a multisectoral approach in line with the Inter-agency Standing Committee Guidelines for Gender-Based Violence Interventions in Humanitarian Settings. This approach has four main pillars of assistance: (a) medical care to include mental health care, treatment of injuries, prevention and treatment of sexually transmitted infections, prevention of HIV/AIDS, prevention of unintended pregnancies and unsafe abortions, medico-legal documentation and forensic evidence gathering if requested, and referral to other services; (b) psychosocial support, including individual and group counselling, family mediation, and support related to children born of rape; (c) legal assistance to ensure that victims know their rights and have support to bring forward a legal claim should they choose to do so; and (d) socio-economic reintegration support, in the form of vocational skills training, small income-generating activities and the establishment of forums for survivors to come together to share their experiences and re-establish social networks. This pillar approach is operational in most crisis-affected countries, including where there is no United Nations peacekeeping mission. As an example of the scale of assistance efforts under way in such contexts, UNICEF in the Democratic Republic of the Congo provided comprehensive support to 20,698 survivors of sexual violence in 2008, of whom over 31 per cent were children; since 2005, UNICEF has directly assisted 78,000 survivors in the Democratic Republic of the Congo. Many victims were reached in remote areas in the Kivus with mobile clinics and outreach efforts. Similarly, in Chad, the UNFPA-led sexual gender-based violence sub-clusters in N'Djamena and Abéché have carried out outreach and awareness-raising on sexual violence at the community level, reaching over 40,000 men and women.

50. Since women and girls face many risks during the collection of firewood for cooking purposes, particularly in displacement contexts, beginning in 2005, UNHCR and its partners provided refugees in the Iridimi refugee camp in Chad with fuel-efficient stoves, including solar cookers. The project was evaluated in 2007 and found to have reduced the need to leave the camp in search of firewood, thus improving the security of women and girls. By the end of 2007, all 12 camps in Chad were provided with improved cooking options. The Inter-Agency Standing Committee Task Force on Safe Access to Firewood and Alternative Energy in Humanitarian Settings has recently issued guidance containing contextual strategic options for addressing risks faced by internally displaced and refugee women when they collect firewood for energy supply.

51. I remain concerned, however, by the insufficient level of funding available for critical humanitarian programmes, and urgently call on all States to review resource strategies to ensure that this area of work is more fully supported. In this regard, there is an urgent need for adequate and identifiable funding for prevention and response to sexual violence. I will ensure that the United Nations-managed funds pilot a system pioneered by UNDP, UNFPA, UNICEF and the Office for the Coordination of Humanitarian Affairs to allow decision makers to track gender-related allocations.

## VI. Improving data collection and reporting on sexual violence

52. In response to the request in resolution 1820 (2008) for information on my plans to facilitate the collection of timely, objective, accurate and reliable information on the use of sexual violence in situations of armed conflict, I have proposed to the Council that, as an immediate measure, it deploy an expert commission of inquiry to ongoing conflict areas to investigate and document violations. In addition, as a medium-term strategy, I intend to ensure that guidance and support is provided to the country-level to improve data collection and reporting both by the various components of peacekeeping missions and United Nations country teams.

53. To this end, my Special Representatives will continue the system of senior-level Mission focal point indicated at the beginning of this report to ensure more coherent, comprehensive and regular reporting on sexual violence, including on the perpetrators of this violence and actions taken by parties to conflict to comply with their obligations under international law. Ideally, the senior-level Mission focal point should be the Deputy Special Representative of the Secretary-General, the humanitarian coordinator or the resident coordinator or should otherwise work in cooperation with the resident coordinator or humanitarian coordinator. The senior-level focal point will be expected to: (a) expand efforts within missions to monitor, investigate, document and report on sexual violence; (b) coordinate with the United Nations country team to review current data collection methods and databases in the United Nations, with a view to streamlining systems to the extent possible; and (c) report back from the country-level to United Nations Headquarters.

54. It is clear that we need more and better data to enhance our understanding of the various forms of sexual violence in conflict and its aftermath, including its magnitude, nature and risk factors; the profile and the motivation of perpetrators; the consequences of this violence; and the effectiveness of programmes and prevention strategies. In IDP and refugee settings, data also needs to be more systematically collected and analysed. To study these issues, multiple approaches and methods are needed, including both quantitative and qualitative data collection. Under the auspices of UN Action, efforts are under way to, inter alia, develop a standardized survey instrument and a research agenda on sexual violence. United Nations agencies and organizations providing services to survivors should strive to collect data in a more standardized and comparable way that could eventually allow safe data aggregation and analysis. In this regard, the efforts of UNFPA, UNHCR and the International Rescue Committee to develop and test a sexual and gender-based violence information management system that enables service providers to safely collect, store, analyse and share reported cases of sexual and gender-based violence need to be supported and further disseminated for wider use. I would

encourage donors, researchers and others to support sound and ethical research and data collection efforts in post-conflict settings that can inform action and improve our ability to prevent and better respond to this problem.

55. In the context of these efforts, it is essential that all United Nations actors ensure full respect for the World Health Organization's ethical and safety standards for researching, measuring and collecting data on sexual violence.[35] Where victims are to be interviewed, including as part of a judicial process, it is essential that there be full disclosure on the purpose of the interview as well as clear indication in the event that services cannot be provided. There must be consent to the interview and effort to avoid retraumatization as well as to provide referrals.

## VII. Conclusions and recommended actions

56. In bringing together available data, no matter how incomplete, the present report shows a disturbing picture of the use of sexual violence against civilians in armed conflicts and their aftermath. With the adoption of resolution 1820 (2008), the Security Council led the way in giving this issue the comprehensive and global attention it deserves. It is now up to all of us to rise to the challenge. Member States, the United Nations system and civil society all have a role to play in moving towards a comprehensive understanding of the problem and the adoption of effective multisectoral response strategies. The continued leadership of the Security Council will be critical to significant progress on combating sexual violence and, to this end, I urge the Council to:

(a) Call for strict compliance by parties to armed conflict with international criminal, humanitarian, human rights and refugee law;

(b) Apprise itself of critical issues relating to sexual violence in the context of its country missions, and reinforce its dialogue with all parties to armed conflict on their obligations under international law;

(c) Ensure that resolutions to establish or renew mandates, or to impose enforcement measures under Chapter VII of the Charter of the United Nations, contain provisions, as appropriate, on the prevention of, and response to, sexual violence, with corresponding reporting requirements to the Council;

(d) Ensure that resolutions consistently mandate human rights or serious crimes components of peacekeeping operations to undertake concerted and more detailed monitoring, investigation, documentation and reporting on sexual violence;

(e) Ensure that sanctions Committees are mandated to address sexual violence, and receive information and lists of names and parties who perpetrate sexual violence. In that context, the Council should also ensure enhanced communication with other subsidiary bodies, such as the Working Group on Children and Armed Conflict, including by forwarding pertinent information on rape and other grave sexual violence committed against children in situations of armed conflict;

[35] *WHO Ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies* (Geneva: World Health Organization, 2007).

(f) Continue to support the work of its Working Group on Children and Armed Conflict in receiving data on sexual violence against children in armed conflict, and continue to consider the inclusion of parties to conflict that commit rape and other grave sexual violence against children in all situations of concern in the annexes of my annual report on children and armed conflict;

(g) Ensure that the Security Council Expert Group on the Protection of Civilians addresses sexual violence, as appropriate;

(h) Issue a standing invitation to Special Representatives of the Secretary-General, the Emergency Relief Coordinator, the High Commissioner for Human Rights, the Special Rapporteur on violence against women, its causes and consequences, and the Chairperson(s) of UN Action to provide additional briefings and documentation on sexual violence;

(i) Establish a commission of inquiry, supported by the Office of the United Nations High Commissioner for Human Rights, to investigate and report on violations of international humanitarian and human rights law, with a dedicated focus on sexual violence in ongoing conflict situations in Chad, the Democratic Republic of the Congo and the Sudan, and to recommend to the Security Council the most effective mechanisms for ensuring accountability. The Council should consider establishing such commissions in other conflicts where sexual violence occurs;

(j) Ensure that all data on sexual violence is reviewed by an existing working group(s) of the Council so as to ensure that, at a minimum, recommendations are made, where relevant, in mandate creation or renewal processes;

(k) Request a follow-up report to include a proposal for an appropriate mechanism or procedure of the Security Council to, inter alia, consider and act on information of measures taken by parties to armed conflict to comply with their obligations under international law, and on the perpetrators of sexual violence. Given the imperative of preventing and responding to sexual violence, I am prepared to submit an annual report on the implementation of resolution 1820 (2008);

(l) Consider giving equal attention to sexual violence in all situations of concern where sexual violence is perpetrated against civilians.

57. On the part of the United Nations system organizations, I am committed to ensuring that the Deputy Secretary-General, my senior officials, and the heads of relevant agencies, funds and programmes take on a greater global advocacy role on the issue of sexual violence in conflict and post-conflict situations, with support from the UN Action network. In addition, I am considering the advisability of the appointment of a senior person with responsibility to attend to the prevention and response to sexual violence across the United Nations system.

58. I am greatly encouraged by the engagement of all stakeholders in the United Nations system, including peacekeeping operations, political missions and United Nations country teams, as well as external partners who contributed to the present report. We must now build on and elaborate the conceptual and operational foundation laid out in this report and strengthen our collective interventions. Most significantly, the report elaborates key challenges which remain and need to be addressed with urgency if we are to make progress in combating sexual violence. It

is my strong belief that when it comes to sexual violence, we cannot expect peace without justice, reparation without recognition, and sustainable development without the full empowerment of those who have suffered sexual violence or are at risk.

United Nations S/2009/363

# Security Council

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## Letter dated 16 July 2009 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a report on the work of the Security Council during the presidency of the Russian Federation in May 2009 (see annex). The document was prepared under my responsibility, after consultation with the other members of the Security Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Vitaly **Churkin**

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# Annex to the letter dated 16 July 2009 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

## Assessment of the work of the Security Council during the presidency of the Russian Federation (May 2009)

### Introduction

Under the presidency of the Russian Federation, the Security Council engaged in an extensive programme of work during the month of May. The Council held 16 meetings and consultations of the whole. The Council adopted two resolutions, and agreed on six presidential statements and two statements to the press.

### Africa

#### Peace and security in Africa

At its 6118th meeting, held on 5 May, the Council adopted a statement of its President (S/PRST/2009/11) expressing its deep concern over the resurgence of unconstitutional changes of government in a few African countries. It stressed the importance of expeditiously restoring constitutional order, including through open and transparent elections.

#### The situation in Chad, the Central African Republic and the subregion

On 8 May, the Council held its 6121st meeting at the request of the Permanent Mission of Chad to the United Nations (see S/2009/232) to discuss the situation in Chad, the Central African Republic and the subregion. The Officer-in-Charge of the Department of Peacekeeping Operations, Dmitry Titov, briefed the Council on the deteriorating security situation in eastern Chad resulting from new military incursions in eastern Chad of Chadian armed groups based outside Chad. He reported that military incursions in eastern Chad had prompted the United Nations to suspend all its activities in the Salamat and Guéra regions. The confrontation had seriously compromised the ability of United Nations agencies, funds and programmes and their non-governmental organization partners to deliver humanitarian assistance.

He recalled that on 3 May, in Doha, the Governments of Chad and the Sudan had signed a new agreement to normalize relations and deny any support on their respective territories to rebel groups that are hostile to either of them.

He added that MINURCAT, which is tasked with protecting civilians in danger, facilitating the delivery of humanitarian aid and personnel, as well as safeguarding United Nations personnel and facilities, still lacks some of the troops and 14 of the 18 helicopters it requires.

The Permanent Representatives of Chad and the Sudan, A. Allam-mi and A. Abdalhaleem Mohamad, participated in the consideration of the item on the Council's agenda.

On the same day the Council held consultations of the whole to discuss the item. Council members agreed on a statement of its President reflecting the positions expressed in consultations, which was adopted at the 6122nd meeting (S/PRST/2009/13).

**Somalia**

On 13 May, at a debate followed by informal consultations, the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, the Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, and the Under-Secretary-General for Field Support, Susana Malcorra, introduced the report of the Secretary-General on Somalia pursuant to Security Council resolution 1863 (2009) (S/2009/210), and briefed the Council on the situation and support for peacekeeping efforts in Somalia. The Minister for Foreign Affairs of the Transitional Federal Government of Somalia, Mohamed Abdullahi Omaar, made a statement.

The members of the Council endorsed the political process in Somalia, and efforts by President Sheikh Sharif Sheikh Ahmed and the Transitional Federal Government to achieve peace and stability in the country. They expressed serious concern at continuing attempts by extremist forces, including Al-Shabaab fighters, to destabilize the situation in Mogadishu and other areas of Somalia. They also expressed continued support for the activities of the African Union Mission in Somalia (AMISOM), which is receiving logistical support from the United Nations.

The members of the Council broadly agreed with the strategy presented in the report of the Secretary-General that improvement of the security situation and real progress in the political process are prerequisites for a decision of the Security Council on possible deployment of a United Nations peacekeeping operation in Somalia. There was unanimity in the Council with respect to the need to continue international coordinated efforts to combat piracy in accordance with the relevant Council resolutions.

On 15 May, in view of the rapid deterioration of the situation and renewal in fighting by opposition groups in Mogadishu, the Council held informal consultations, following which, at the 6125th meeting, the President of the Security Council made a statement (S/PRST/2009/15).

On 26 May, the Council unanimously adopted resolution 1872 (2009), by which it extended the authorization for the African Union to maintain AMISOM until 31 January 2010, and requested the Secretary-General to continue to provide a logistical support package for AMISOM as described in his letter (S/2009/60), and to carry out the phased approach to possible deployment of a United Nations peacekeeping operation in Somalia subject to the conditions set out in his report (S/2009/210).

**Côte d'Ivoire**

At a public meeting on 29 May, the Council adopted a presidential statement (S/PRST/2009/16) in which it welcomed the endorsement by all the main Ivorian political actors of a new time frame for holding the presidential elections in Côte d'Ivoire on 29 November 2009, which will give a new impetus to the implementation of the Ouagadougou Political Agreement.

**Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo**

On 28 May in informal consultations the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, the Permanent Representative of Turkey to the United Nations, Ambassador Baki İlkin, briefed the Council on the discussion in the Committee of the midterm report of the Group of Experts pursuant to paragraph 8 of resolution 1857 (2008) and recommendations contained therein.

**Security Council mission to Africa**

On 28 May, the Council held its 6131st meeting to hear briefings by the members of the Security Council delegation on its recent eight-day mission to Africa, which included stops in Addis Ababa, where they met with senior African Union officials, as well as Rwanda, the Democratic Republic of the Congo and Liberia.

The Permanent Representative of Uganda, Ruhakana Rugunda, highlighted meetings with the African Union, which reviewed the situations in the Sudan and Somalia, as well as the financing of peacekeeping operations in Africa and the issue of unconstitutional changes of government on the continent. He said the talks had been useful in strengthening cooperation, particularly in the areas of conflict prevention, peacekeeping and peacebuilding, among other areas of mutual interest.

The Permanent Representative of the United Kingdom, John Sawers, who jointly led the Ethiopia leg of the mission, said the two bodies were working together to address the well-known difficulties facing the African Union-United Nations Hybrid Operation in Darfur (UNAMID), as well as considering ways to strengthen action on the ground in support of AMISOM.

On the Rwanda leg of the mission, he emphasized that conflict had escalated in the eastern Democratic Republic of the Congo, leading to cooperation between the Governments of Rwanda and the Democratic Republic of the Congo to address the shared problem of armed groups operating in the region, and said that the decision of the two countries had helped to reshape the regional political landscape.

The Permanent Representative of France, Jean-Maurice Ripert, briefed the Council on the activities of the mission in the Democratic Republic of the Congo. He said that, from all their meetings in the region, the mission had learned that the situation in the Great Lakes had improved, particularly as a result of the rapprochement between the Governments of the Democratic Republic of the Congo and Rwanda. In addition, he noted that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) remained indispensable. Stressing the need to urgently and comprehensively deal with the widespread problem of sexual violence, he noted that the Government of the Democratic Republic of the Congo had taken special measures to address such violence, including the enactment of a law against rape and other gender-based crimes.

The Permanent Representative of the United States, Susan Rice, said that the purpose of the visit to Liberia had been to reaffirm the Council's support for the Liberian people and Government, as well as for the United Nations Mission in Liberia. It had also been intended to examine such pressing issues as violence against women. She commented on the extreme fragility of peace in Liberia.

## Asia and the Middle East

### Middle East peace process

On 11 May, the Council conducted a ministerial-level meeting on the Middle East peace process chaired by the Foreign Minister of the Russian Federation, Serguei Lavrov. Speaking at this event the Secretary-General stressed the need to generate momentum in the Israeli-Palestinian talks, warning that the situation on the ground could easily worsen without fresh efforts by both sides as well as the international community. After the inconclusive results of the previous year's negotiations, said the Secretary-General, and the bloodshed in Gaza, the past three months had witnessed almost no progress on the two key resolutions — 1850 (2008) and 1860 (2009).

The Secretary-General also referred to the deep crisis of confidence among "ordinary people on the ground". He said that Palestinians continue to see unacceptable unilateral actions in East Jerusalem and the remainder of the West Bank, such as "house demolitions, intensified settlement activity, settler violence and oppressive movement restrictions due to permits, checkpoints and the barrier". He stressed that the time had come for Israel to fundamentally change its policies in this regard. However, he also emphasized that ordinary Israelis need reassurance that a future Palestinian State will guarantee their right to live in peace and security, and he stated that "indiscriminate rocket attacks that have caused loss of life, civilian suffering and damage to property in Israel are not only deeply unacceptable, but also totally counterproductive, and must cease".

He also stated that the challenge is to begin implementing the transformative changes on the ground, and to kick-start a renewed and irreversible drive to achieve an Israeli-Palestinian agreement, stressing that resolving the Israeli-Palestinian conflict is fundamental to the well-being of both peoples, the region and the world.

In their interventions members of the Council confirmed their hope that the commitments made by the parties would be commitments kept and that the parties must pursue an irreversible effort towards the two-State solution, including by fully implementing commitments on the ground. Council members also voiced concern about the situation in and around Gaza, including continued arms smuggling into Gaza and continued Hamas rocket fire from Gaza into Israel, as well as Israeli settlement activities undermining the contiguity and viability of the Occupied Palestinian Territory and jeopardizing the two-State solution, and the need for Palestinian reconciliation.

At the end of its meeting, the Council adopted a presidential statement (S/PRST/2009/14), read out by the Foreign Minister, in which the Council stressed the urgency of reaching comprehensive peace in the Middle East. It stated that vigorous diplomatic action is needed to attain the goal set by the international community — lasting peace in the region, based on an enduring commitment to mutual recognition, freedom from violence, incitement and terror, and the two-State solution, building upon previous agreements and obligations.

The Council also voiced support for the proposal of the Russian Federation to convene, in consultation with the Quartet and the parties, an international conference on the Middle East peace process in Moscow in 2009.

**Lebanon**

On 7 May, the Council met to consider the report of the Secretary-General on the implementation of resolution 1559 (2004). The Special Envoy, Terje Roed-Larsen, briefed the Council and noted that the domestic, political and security situation in Lebanon had improved markedly. He said that the general improvement of the situation in the country had created a favourable environment for strengthening sovereignty, political independence and Government control throughout the country.

The Special Envoy also stated that the parliamentary elections to be held on 7 June would constitute a milestone in Lebanon's transition since the adoption of resolution 1559 (2004). The parties, he insisted, must continue to adhere to the Doha agreement, including the commitment to refrain from using weapons to settle internal political disputes.

Reporting on further strides towards full implementation of resolution 1559 (2004), the Special Envoy said the Syrian Arab Republic and Lebanon had nearly completed the process leading to full diplomatic relations between the two countries.

The Special Envoy informed the Council that Lebanese authorities had arrested a series of people on suspicion of spying for Israel. He added, that if those allegations proved to be true, they would constitute a violation of Lebanon's sovereignty. He also told the Council that there had been no tangible progress towards the disbanding and disarming of Lebanese and non-Lebanese militias, as called for by the Taif Accords and resolution 1559 (2004), and confirmed that this process should occur through an inclusive political dialogue that addressed the political interests of all Lebanese people.

The Special Envoy said that the United Nations had no means to independently verify the reports about illegal transfer of weapons across the Syrian border into Lebanon. He criticized Israel for continuing provocative overflights of the Lebanese territory.

**Nepal**

On 5 May, the Council, during its meeting on Nepal, heard a briefing by the Representative of the Secretary-General in Nepal, Karin Landgren, on the report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process, and also on the recent developments in that country. Statements were made by the Council members and the representative of Nepal. At the end of the debate the President made a statement on behalf of the Council (S/PRST/2009/12), in which the Council expressed concern about the current political crisis in Nepal, and underscored the urgent need for the Government of Nepal and all political parties to continue to work together in the spirit of compromise.

**Myanmar**

On 22 May, during consultations of the whole under the item "Other matters" the members of the Council issued a statement to the press, in which they expressed concern about the political impact of recent developments relating to Daw Aung San Suu Kyi.

### Timor-Leste

On 27 May, the Council held a meeting in private with the troop-contributing countries to the United Nations Integrated Mission in Timor-Leste (UNMIT). The Council and the troop-contributing countries heard a briefing by the Deputy Special Representative of the Secretary-General to UNMIT, Takahisa Kawakami, on issues relating to the concept of operations and rules of engagement for the military liaison group and the police component of UNMIT. Members of the Council, the Deputy Special Representative and representatives of participating troop-contributing countries had an exchange of views.

## Europe

### Cyprus

On 22 May, the Special Representative of the Secretary-General for Cyprus and Head of Mission, Taye-Brook Zerihoun, gave a briefing to the Council, in consultations of the whole, on the United Nations Peacekeeping Force in Cyprus (UNFICYP), on the basis of the latest report of the Secretary-General (S/2009/248). The Special Representative noted the Secretary-General's recommendation that, in the absence of a comprehensive settlement, when UNFICYP continued to play a vital and unique role on the island, both as a stabilizing factor on the ground and as a source of substantive and administrative support for the Secretary-General's good offices mission, the mandate of UNFICYP be extended for a further period, until 15 December 2009. The consultations of the whole were preceded by a private meeting of the Council with the countries contributing troops to UNFICYP.

On 29 May, the Council adopted resolution 1873 (2009), by which it extended the mandate of UNFICYP until 15 December 2009. The result of the Council's vote was 14 in favour (Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam) and 1 against (Turkey). After the adoption the representative of Turkey spoke in explanation of vote.

### Georgia

On 27 May, the Special Representative of the Secretary-General, Johan Verbeke, introduced to the members of the Security Council the report of the Secretary-General pursuant to Council resolutions 1808 (2008), 1839 (2008) and 1866 (2009) (S/2009/254).

During the consultations members of the Council reiterated the need to maintain the United Nations presence in the region and to elaborate a new meaningful mandate of the Mission. It was also emphasized that a revised and comprehensive security regime should constitute the core of any future United Nations presence, contributing to the maintenance of peace and stability in the region.

### Bosnia and Herzegovina

On 28 May, during a public debate, the High Representative and European Union Special Representative for Bosnia and Herzegovina, Valentin Inzko, briefed

the Council on the situation in Bosnia and Herzegovina on the basis of his first six-monthly report to the Secretary-General (S/2009/246) since assuming office on 26 March 2009. The Chairman of the Bosnia and Herzegovina Council of Ministers, Nikola Špirić, made a statement to the Council, which also heard from the European Union presidency and Serbia.

## Thematic issues

### Non-proliferation/Democratic People's Republic of Korea

On 13 May, the Council heard a briefing by the Permanent Representative of Turkey, Ambassador Baki İlkin, on the activities of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea.

On 25 May, during consultations of the whole urgently convened upon a request by the delegation of Japan, the members of the Council voiced their strong opposition to and condemnation of the nuclear test conducted by the Democratic People's Republic of Korea on the same day in clear violation of resolution 1718 (2006). The members of the Council decided to start work immediately on a Council resolution on this matter in accordance with the Security Council's responsibilities under the Charter of the United Nations.

### Briefings by Chairmen of subsidiary bodies of the Security Council

At a debate on 26 May, the Council heard briefings from three Chairmen of subsidiary bodies of the Council, updating it on their work since the last such briefing to the Council, on 12 November 2008. Ambassador Thomas Mayr-Harting of Austria briefed the Council in his capacity as Chairman of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; the Deputy Permanent Representative of France to the United Nations, Jean-Pierre Lacroix, briefed the Council in his capacity as Acting Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism; and Ambassador Jorge Urbina of Costa Rica briefed the Council in his capacity as Chairman of the Committee established pursuant to resolution 1540 (2004).

Ambassador Thomas Mayr-Harting also made a statement on behalf of all three Chairmen, briefing the Council on ongoing cooperation among the three Committees and their bodies of experts. He presented an updated comparative table, highlighting the respective mandates of the three Committees and their experts.

### Informal Working Group on Documentation and Other Procedural Questions

On 14 May, the Informal Working Group on Documentation and Other Procedural Questions held a meeting under the Japanese presidency. The members of the Working Group discussed issues relating to the improvement of the implementation of the note by the President of the Security Council of 19 July 2006 (S/2006/507) and practical documentation and procedural questions arising from the everyday work of the Security Council.

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# Letter dated 16 July 2009 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1718 (2006), I have the honour to transmit herewith the report of the Committee dated 16 July 2009, submitted in accordance with paragraph 24 of resolution 1874 (2009) (see annex).

(*Signed*) Fazlı **Çorman**
Acting Chairman
Security Council Committee established
pursuant to resolution 1718 (2006)

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## Annex

### Report of the Security Council Committee established pursuant to resolution 1718 (2006) prepared in accordance with paragraph 24 of resolution 1874 (2009)

By paragraph 24 of resolution 1874 (2009), the Security Council decided to adjust the measures imposed by paragraph 8 of its resolution 1718 (2006), including through the designation of entities, goods, and individuals, and directed the Committee to undertake its tasks to this effect and to report to the Council.

Pursuant to paragraph 24 of resolution 1874 (2009), the Committee adopted, on 16 July 2009, the decision attached to the present report (see enclosure).

The Committee will continue to undertake its tasks as mandated in paragraph 12 of resolution 1718 (2006).

## Enclosure

### Decision of the Security Council Committee established pursuant to resolution 1718 (2006) dated 16 July 2009

In accordance with paragraph 24 of resolution 1874 (2009), the Committee has made the following decision to designate additional entities, goods, and individuals.

#### A. Entities

The Committee designates the following entities to be subject to the measures imposed in paragraph 8 (d) of resolution 1718 (2006):

#### 1. NAMCHONGANG TRADING CORPORATION

Description: Namchongang is a DPRK trading company subordinate to the General Bureau of Atomic Energy (GBAE). Namchongang has been involved in the procurement of Japanese origin vacuum pumps that were identified at a DPRK nuclear facility, as well as nuclear-related procurement associated with a German individual. It has further been involved in the purchase of aluminium tubes and other equipment specifically suitable for a uranium enrichment programme from the late 1990s. Its representative is a former diplomat who served as DPRK's representative for the IAEA inspection of the Yongbyon nuclear facilities in 2007. Namchongang's proliferation activities are of grave concern given the DPRK's past proliferation activities.

Location: Pyongyang.

A.K.A.: NCG; NAMCHONGANG TRADING; NAM CHON GANG CORPORATION; NOMCHONGANG TRADING CO.; NAM CHONG GAN TRADING CORPORATION

#### 2. HONG KONG ELECTRONICS

Description: owned or controlled by, or acts or purports to act for or on behalf of Tanchon Commercial Bank and KOMID. Hong Kong Electronics has transferred millions of dollars of proliferation-related funds on behalf of Tanchon Commercial Bank and KOMID (both designated by the Committee in April 2009) since 2007. Hong Kong Electronics has facilitated the movement of money from Iran to the DPRK on behalf of KOMID.

Location: Sanaee St., Kish Island, Islamic Republic of Iran.

A.K.A.: HONG KONG ELECTRONICS KISH CO.

#### 3. KOREA HYOKSIN TRADING CORPORATION

Description: a DPRK company based in Pyongyang that is subordinate to Korea Ryonbong General Corporation (designated by the Committee in April 2009) and is involved in the development of weapons of mass destruction.

Location: Rakwon-dong, Pothonggang District, Pyongyang.

A.K.A.: KOREA HYOKSIN EXPORT AND IMPORT CORPORATION

### 4. GENERAL BUREAU OF ATOMIC ENERGY (GBAE)

Description: The GBAE is responsible for the DPRK's nuclear programme, which includes the Yongbyon Nuclear Research Center and its 5 MWe (25 MWt) plutonium production research reactor, as well as its fuel fabrication and reprocessing facilities. The GBAE has held nuclear-related meetings and discussions with the International Atomic Energy Agency. GBAE is the primary DPRK government agency that oversees nuclear programmes, including the operation of the Yongbyon Nuclear Research Center.

Location: Haeudong, Pyongchen District, Pyongyang.

A.K.A.: General Department of Atomic Energy (GDAE)

### 5. KOREAN TANGUN TRADING CORPORATION

Description: Korea Tangun Trading Corporation is subordinate to DPRK's Second Academy of Natural Sciences and is primarily responsible for the procurement of commodities and technologies to support DPRK's defence research and development programmes, including, but not limited to, weapons of mass destruction and delivery system programmes and procurement, including materials that are controlled or prohibited under relevant multilateral control regimes.

Location: Pyongyang.

Note on subsidiaries (such as those in S/AC.49/2009/COMM.1): The Committee agrees to continue working on an expedited basis to identify entities that are acting on behalf or at the direction of previously designated entities. The Committee recalls in this context that Member States are obligated to impose the measures in paragraph 8 (d) of resolution 1718 (2006) on "persons or entities designated by the Committee or by the Security Council" as well as "persons or entities acting on [the] behalf or at [the] direction [of designated entities]."

## B. Goods

The Committee determines that these items shall be specified for the purpose of paragraph 8 (a) (ii) of resolution 1718 (2006):

1) "Graphite designed or specified for use in Electrical Discharge Machining (EDM) machines"

2) "Para-aramid fibre (Kevlar and other Kevlar-like), filament and tape"

Note: The Committee agrees to continue working on an expedited basis to identify additional items, materials, equipment, goods and technology to be specified for the purpose of paragraphs 8 (a) (i) and 8 (a) (ii) of resolution 1718 (2006). The Committee intends to specify items in each of the following categories: 1) sensitive dual-use goods, 2) ballistic missile-related items and 3) nuclear-related items. The Committee will provide the latest information on these efforts in its regular report to the Security Council.

## C. Individuals

The Committee designates the following individuals to be subject to the provisions of the measures imposed in paragraphs 8 (d) and 8 (e) of resolution 1718 (2006):

1. **Yun Ho-jin**: Director of Namchongang Trading Corporation; oversees the import of items needed for the uranium enrichment programme. (Additional information: born 13 October 1944; also known as Yun Ho-chin)

2. **Ri Je-son**: Director of the General Bureau of Atomic Energy (GBAE), chief agency directing DPRK's nuclear programme; facilitates several nuclear endeavours including GBAE's management of Yongbyon Nuclear Research Center and Namchongang Trading Corporation. (Additional information: born 1938; also known as Ri Che-son)

3. **Hwang Sok-hwa**: Director in the General Bureau of Atomic Energy (GBAE); involved in DPRK's nuclear programme; as Chief of the Scientific Guidance Bureau in the GBAE, served on the Science Committee inside the Joint Institute for Nuclear Research.

4. **Ri Hong-sop**: Former director, Yongbyon Nuclear Research Center, oversaw three core facilities that assist in the production of weapons-grade plutonium: the Fuel Fabrication Facility, the Nuclear Reactor, and the Reprocessing Plant. (Additional information: born 1940)

5. **Han Yu-ro**: Director of Korea Ryongaksan General Trading Corporation; involved in DPRK's ballistic missile programme.

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# Identical letters dated 16 July 2009 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to inform you that on Tuesday, 14 July 2009, a series of explosions ripped through a weapons cache in Khirbat Salim, a Shiite village located north-east of Tibnin, Lebanon. The explosions, which lasted from early morning until approximately 1500 hours, took place under an abandoned civilian house on the outskirts of the village.

The house in question was, in fact, an arms cache that consisted of Hizbullah arms, including rockets, mortars, artillery shells, grenades, and additional ammunition which had been brought to the area following the Second Lebanon War. The smuggling and presence of such weapons stands in direct contravention of United Nations Security Council resolution 1701, which explicitly distinguishes the area between the Blue Line and the Litani river as "[an] area free of any armed personnel, assets, and weapons, other than those of the Government of Lebanon and of UNIFIL".

This incident in Khirbat Salim verifies Israel's repeated claims since the adoption of resolution 1701 that Hizbullah continues to build its military infrastructure throughout Lebanon, including south of the Litani river. As Israel mentioned in multiple previous letters and statements to the Secretary-General and the Security Council, including in my most recent letter dated 15 June 2009, Hizbullah adapted its modus operandi by placing most of its arsenal in civilian villages and using houses as bunkers and arms depots. Such actions on the part of Hizbullah are clear violations of resolution 1701 which gravely endanger the stability in the region. Furthermore, it is extremely alarming that Hizbullah intentionally places its weapons in close proximity to civilians and thus endangers the local Lebanese civilian population.

In addition to the aforementioned arms smuggling, a secondary and equally severe violation of resolution 1701 took place during the incident. In the aftermath of the Khirbat Salim explosions, a United Nations spokesperson confirmed that civilians attempted to hamper the investigation of the United Nations Interim Force in Lebanon (UNIFIL). Other credible reports noted that the Lebanese Armed Forces delayed the deployment of UNIFIL to conduct an investigation into the circumstances of the incident. Both Israel and reports in the Lebanese press suggest that this delay was used by Hizbullah operatives to remove evidence of their illicit activity before UNIFIL was permitted to inspect the area. This is a severe violation



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of resolution 1701, as paragraph 12 "authorizes UNIFIL to take all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure that its area of operations is not utilized for hostile activities of any kind, to resist attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council, and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers and, without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence".

The obstruction following the explosion of 14 July reflects one of the most severe obstructions of movement against UNIFIL since the adoption of resolution 1701. Unfortunately, such obstruction is not an isolated incident and reflects a pattern in which Hizbullah uses various means, including so-called "civilians", in order to prevent UNIFIL and the Lebanese Armed Forces from fulfilling their mandate. Other incidents of obstruction on 31 March 2008 and on 16 January 2009 are two additional examples of such non-compliance with resolution 1701. However, the most recent obstruction was all the more severe, as UNIFIL was unable to immediately implement its obligations. As such, that obstruction of movement must be denounced.

The 14 July explosion is a reflection of the larger efforts by Hizbullah to rearm itself in direct contravention of resolution 1701 and other relevant United Nations Security Council resolutions. In this regard, Syrian and Iranian efforts to supply Hizbullah's arsenal are endangering the stability of the region and must be confronted by concrete actions on both the Lebanese and Syrian border, as well as by the international community. Despite the fact that almost one year has passed since the publication of the Lebanon Independent Border Assessment Team II report, no action has yet been taken to address the porous eastern border of Lebanon.

Furthermore, Hizbullah openly admits its efforts to grow and bolster its arsenal. As I wrote in the aforementioned letter to the Secretary-General regarding the implementation of resolution 1701, as recently as 13 May 2009, Sheikh Naim Qassem, the Deputy Secretary-General of Hizbullah, stated in an interview to the *Financial Times*:

> "We do not talk about details of our arsenal. This is our strength. Not talking, this is our strength against our enemy. But what I will say here is that we will not deny but we will not confirm that we have three or four times the arsenal that we had in 2006 as they [Israelis] say."

In addition, it is worthy to note that one of the closest individuals to Hizbullah Secretary-General Nasrallah, Mr. Ibrahim al-Amin, wrote in *Al Akhbar* newspaper on 13 July 2009 that: "The resistance [Hizbullah] has become a fully fledged army [*sic*]. Its knowledge of the security, military, and logistic fields has expanded; so did its equipment, which grew several fold in terms of quality and quantity, and the weaponry it was not allowed to keep in the past, now it is keeping abundantly [*sic*]".

The explosion in Khirbat Salim coupled with Hizbullah's stated intentions to maintain and build its terrorist arsenal should be a grave cause for concern. The fact that Hizbullah seeks to reconstitute itself south of the Litani river while embedding itself into the civilian population only heightens this concern.

As Israel has mentioned several times, UNIFIL and the Lebanese Armed Forces must adapt their modus operandi south of the Litani river to confront this new reality. The Lebanese government must do more to prevent the rearmament of Hizbullah by taking concrete steps against Hizbullah's efforts to create a military infrastructure in Lebanese villages south of the Litani river. Ongoing Syrian and Iranian efforts to support and arm Hizbullah must also be addressed in concrete terms. All of these flagrant violations of resolution 1701, including arms smuggling and the obstruction of movement of UNIFIL forces, merit the appropriate attention of and response by the Secretary-General and the Security Council.

Finally, I wish to take this opportunity to request a copy of the findings of the investigation conducted by UNIFIL into the 14 July 2009 explosion.

I should be grateful if you would have the present letter distributed as a document of the Security Council.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative